

HOUSE RESOURCE & CONSERVATION COMMITTEE

ADMINISTRATIVE RULES REVIEW

Table of Contents

2008 Legislative Session

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.04 - Rules Governing Licensing

Docket No. ***13-0104-0701***2

13.01.08 - Rules Governing the Taking of Big Game Animals in the State of Idaho

Docket No. ***13-0108-0701***11

13.01.09 - Rules Governing the Taking of Game Birds in the State of Idaho

Docket No. ***13-0109-0701***39

13.01.12 - Rules Governing Commercial Fishing in the State of Idaho

Docket No. ***13-0112-0701***51

13.01.17 - Rules Governing the Use of Bait for Taking Big Game Animals

Docket No. ***13-0117-0701***57

IDAPA 20 - DEPARTMENT OF LANDS

20.02.06 - Administration of Idaho's Reforestation Law

Docket No. ***20-0206-0701 (Chapter Repeal)***61

20.02.12 - Rules of the Community and Urban Forestry Trust Account

Docket No. ***20-0212-0701 (Chapter Repeal)***63

IDAPA 26 - DEPARTMENT OF PARKS AND RECREATION

26.01.20 - Rules Governing the Administration of Park and Recreation Areas and Facilities

Docket No. ***26-0120-0701***65

26.01.30 - Idaho Safe Boating Rules

Docket No. ***26-0130-0701***69

HOUSE RESOURCE & CONSERVATION COMMITTEE

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.04 - RULES GOVERNING LICENSING

DOCKET NO. 13-0104-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104(b) and 36-1101, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

Amend references to the Disabled Persons Motor Vehicle Permit License to use terminology consistent with statutory amendment (S 1011). Amend the outfitter allocation rule to clarify the allocation process, to address outfitter concerns, and to be consistent with discussions with Legislative committees. Amend references to the Clearwater deer tag to refer to the White-tailed deer tag.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 259 to 264.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Sharon Kiefer (208) 287-2780.

DATED this 13th day of November, 2007.

W. Dallas Burkhalter
Deputy Attorney General
Natural Resources Division/Fish and Game
600 S. Walnut
P.O. Box 25, Boise, Idaho 83707

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION
Rules Governing Licensing

Docket No. 13-0104-0701
PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is **August 14, 2007**.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 36-104(b) and 36-1101, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Amend references to the Disabled Persons Motor Vehicle Permit License to use terminology consistent with statutory amendment (S 1011). Amend the outfitter allocation rule to clarify the allocation process, to address outfitter concerns, and to be consistent with discussions with Legislative committees. Amend references to the Clearwater deer tag to refer to the White-tailed deer tag.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The temporary rule confers a benefit to disabled persons, outfitters, and hunters.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the need to comply with statutory amendments and the need to comply with printing schedules for the 2007 hunting seasons.

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION Rules Governing Licensing

Docket No. 13-0104-0701
PENDING RULE

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Sharon Kiefer (208) 287-2784.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 21st day of August, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

000. LEGAL AUTHORITY.

The Idaho Fish and Game Commission is authorized under Sections 36-104(b) and 36-301, 36-401 through 412, and 36-1101, Idaho Code, to adopt rules concerning the issuance and sales of licenses. ~~(3-30-01)~~()

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS.

These definitions will provide clarity and consistency in enforcement of these rules. (7-1-93)

01. Authorized Corporate Representative. Any shareholder in a corporation, designated in writing by the corporation as the eligible applicant, who is in actual physical control of the eligible property. (7-1-93)

02. Blind Person. A blind person is one who has a medically documented loss or impairment of his or her vision and includes any person whose visual acuity with correcting lens does not exceed twenty/two hundred (20/200) in the better eye, or whose vision in the better eye is restricted to a field which subtends an angle of not greater than twenty (20) degrees. (7-1-93)

03. Domicile. The term “domicile” means the place where an individual has his true, fixed, permanent home and to which place he has the intention of returning whenever he is absent. An individual can have several dwelling places, but only one (1) domicile. Factors to consider to establish domicile include, but are not limited to: (7-1-93)

a. What address does the person use on tax returns and where does the person file a state resident income tax return? (7-1-93)

b. Where is the person registered to vote? (7-1-93)

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION Rules Governing Licensing

Docket No. 13-0104-0701
PENDING RULE

- c. Where does the person and his immediate family live? (7-1-93)
- d. Where does the person have his mail sent or forwarded to? (7-1-93)
- e. Does the person remain listed in the telephone directory? (7-1-93)
- f. Where does he register his automobiles? (7-1-93)
- g. Where has the person claimed a homeowner exemption on a personal residence? (7-1-93)
- h. Where does he have a driver's license? (7-1-93)
- i. Where are his regular physicians and dentists located? (7-1-93)

04. Disabled. A person is disabled if they are deemed disabled by one (1) or more, but not necessarily all of the following: the railroad retirement board pursuant to Title 45 of the United States Code, or certified as eligible for Federal Supplemental Security Income (SSI); or Social Security Disability Income (SSDI); or a nonservice-connected veterans pension; or a service-connected veterans disability benefit with forty percent (40%) or more disability; or if a physician has certified any of the following - that a person has lost the use of one (1) or both lower extremities or both hands, or is unable to walk two hundred (200) feet or more unassisted by another person, or is unable to walk two hundred (200) feet or more without the aid of a walker, cane, crutches, braces, prosthetic device or a wheelchair, or is unable to walk two hundred (200) feet or more without great difficulty or discomfort due to the following impairments - neurological, orthopedic, respiratory, cardiac, arthritic disorder, blindness, or the loss of function or absence of a limb. (3-8-07)

05. Eligible Applicant. A physically ~~handicapped~~ disabled person certified by a physician licensed in the state in which the ~~handicapped~~ disabled person resides, as meeting one (1) or more of the criteria set forth in Section 36-1101~~(a)~~~~1 through 3~~, Idaho Code, and one who is capable of holding, or holding and firing, without assistance from other persons, legal hunting and fishing equipment. ~~(3-8-07)~~()

06. Eligible Property. At least six hundred forty (640) acres of land in one (1) controlled hunt unit determined by the Department to be valuable for habitat or propagation purposes for deer, elk, and/or antelope, whether owned by one (1) or more persons, a partnership, or corporation. It shall not include any government lands. (4-5-00)

07. Landowner. Any person or corporation whose name appears on a deed as the owner of eligible property or whose name appears on a contract for sale of eligible property as the purchaser. (10-26-94)

08. Permanent Disability. Permanent disability is defined as a medically determinable physical impairment, which a physician has certified that the condition has no expectation for a fundamental or marked change at any time in the future. (3-8-07)

09. Resident. The term "resident" is defined in Section 36-202(r), Idaho Code.

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION
Rules Governing Licensing

Docket No. 13-0104-0701
PENDING RULE

(7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

303. ~~HANDICAPPED~~ DISABLED PERSONS MOTOR VEHICLE HUNTING PERMITS.

01. Applications for ~~Handicapped~~ Disabled Motor Vehicle Hunting Permits.

(~~7-1-93~~)(____)

a. Applications for ~~handicapped~~ disabled motor vehicle hunting permits shall be on a form prescribed by the Department or an individual may present their valid Idaho driver's license in lieu of the prescribed department form if the individual meets the disability requirements of Section 49-117(7)(b), Idaho Code, except for blindness, and the driver's license is appropriately marked as disabled. Only eligible applicants may submit such applications. (~~5-3-03~~)(____)

b. Individuals using the department form for a ~~handicapped~~ disabled motor vehicle hunting permit must complete and sign the application form. Nonresident applicants must have their signature notarized. Each application submitted on the department form shall be accompanied by certification from the applicant's physician, physician assistant, or nurse practitioner stating which of the criteria set forth in Idaho Code, Section 36-1101 qualifies the applicant and why. The physician, physician assistant, or nurse practitioner shall also certify that the applicant is capable of holding and firing, without assistance from other persons, ~~legal firearms or archery equipment~~ legal hunting equipment. If the physician, physician assistant, or nurse practitioner is not licensed to practice in Idaho, a photo copy of the physician, physician assistant, or nurse practitioner's medical license must accompany the application. Physicians, physician assistants, or nurse practitioners must check the appropriate box for short-term or long-term disability on the application. If the disability is short term and physical mobility is expected to improve, the physician, physician assistant, or nurse practitioner must include a date when the disability is expected to end. (~~3-20-04~~)(____)

02. ~~Handicapped~~ Disabled Motor Vehicle Hunting Permits.

(~~7-1-93~~)(____)

a. ~~Handicapped~~ Disabled motor vehicle hunting permits shall be issued only by the Director of the Department or his representative and shall expire no later than December 31 of the fifth year following the date of issuance. (~~5-3-03~~)(____)

b. The permit shall be prominently displayed on any vehicle from which the person is hunting. Where applicable, the permit shall be displayed on the driver's side of the dashboard of the parked vehicle, suspended from the rearview mirror, or otherwise displayed so as to be in plain view of any person looking through the windshield of the vehicle. (7-1-93)

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION
Rules Governing Licensing

Docket No. 13-0104-0701
PENDING RULE

(BREAK IN CONTINUITY OF SECTIONS)

500. NONRESIDENT DEER AND ELK TAG OUTFITTER SET-ASIDE.

01. Tags. The following number of nonresident deer tags and nonresident elk tags shall annually be set aside and reserved for sale to persons who have entered into an agreement to utilize the services of an outfitter who is licensed under Chapter 21, Title 36, Idaho Code. For the each Hunting Season: (3-20-04)

- a. One thousand nine hundred (1,900) deer tags (regular or ~~Clearwater~~ White-tailed);
(~~7-1-99~~)()
- b. Eighty-five (85) S.E. Idaho Area deer tags; (3-20-04)
- c. Two thousand four hundred (2,400) elk tags (A or B tags for all zones; (3-20-04)

02. Restrictions. These tags shall be sold on a first-come, first-serve basis through June 30 of each year. Application for purchase of these tags shall be made by the outfitter for the nonresident on a form prescribed by the Department. The application shall be accompanied by the appropriate license fees and a certification by the outfitter that the nonresident hunter has a contract to hunt with the outfitter making application. (7-1-93)

03. Unsold Tags. Any tags not sold by July 1 of each year shall be sold by the Department to nonresidents on a first-come, first serve basis. If there is a waiting list of individuals desiring a tag for the species available, those individuals will be first served. Application shall be made only to the Headquarters office of the Department of Fish and Game in Boise, Idaho. (7-1-99)

501. -- 504. (RESERVED).

505. DEER AND ELK TAG ALLOCATION.

01. Allocation of Tags. Pursuant to Idaho Code, Section 36-408, the Fish and Game Commission may allocate a number of deer and/or elk tags for use by hunters with signed agreements with licensed outfitters in zones with limited numbers of tags. The allocation will be calculated on a zone basis with reductions or increases in hunting opportunities to be proportionate among resident hunters, nonoutfitted nonresident hunters, and outfitted hunters. When the number of hunters in a general hunt unit or zone becomes restricted, the Department will calculate the initial number of allocated tags for each zone using the Idaho Outfitters and Guides Licensing Board's records of average historic use during the previous five (5) year period. Where it is biologically feasible, any reductions in the number of tags available within a zone which exceeds twenty percent (20%) will be spread over a three (3) year period with a maximum reduction of fifty percent (50%) taken in the first year and twenty-five percent (25%) in the second year. When an area becomes controlled, hunt application and eligibility rules will apply to allocated tags in controlled hunts. Only those units or zones with licensed outfitted areas with historic use will be considered for tag allocation. (3-8-07)

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION Rules Governing Licensing

Docket No. 13-0104-0701
PENDING RULE

02. Controlled Hunt Areas. Only those controlled hunt areas with historic licensed deer and/or elk outfitted area(s) may be considered for a tag/permit allocation. The allocation will be calculated on a controlled hunt area basis with reductions or increases in hunting opportunities to be proportionate among resident hunters, non-outfitted nonresident hunters, and outfitted hunters. (3-8-07)

a. The number of allocated tags will be in addition to from the number of tags authorized by the Commission within each controlled hunt area with historic licensed deer and/or elk outfitter areas. (3-8-07)

b. Prior to submitting an application for an outfitter allocated controlled hunt, the applicant must have a written agreement with an outfitter licensed in the hunt area. Successful applicants of an outfitter allocated controlled hunt must hunt with an outfitter licensed for the hunt area. The outfitter must purchase the successful applicant's permit and tag by August 20. Successful applicants authorize the Department to provide names and addresses to the outfitter(s) licensed for that controlled hunt. (3-8-07)

c. Successful applicants who do not want to participate in the outfitted hunt can decline the hunt upon written notification to the Department. Those declining the hunt will then be eligible to participate in a general season or leftover controlled hunt. Those drawing an outfitted controlled hunt and then declining the controlled hunt will be subject to the appropriate waiting period. (5-3-03)

d. Successful applicants that do not secure the services of an Idaho licensed outfitter and have not purchased the controlled hunt permit and tag by August 20 will forfeit the opportunity to purchase a controlled hunt permit. The forfeited controlled hunt permit will then be listed as a leftover permit. The Department will inform the Idaho Outfitters and Guides Board that a permit is available. After securing a client, the outfitter(s) may then purchase the leftover controlled hunt permit at a Department regional or headquarters office. (5-3-03)

e. The number of allocated tag/permits will be determined by using one (1) of the following options: (3-30-01)

i. The number of allocated tags available within the controlled hunt area will be no less than one (1) tag and no more than three percent (3%); or (____)

ii. The number of tags available within the controlled hunt area will be based on the average historic use during the previous five (5) year period and calculated tag numbers will be rounded up when permits equal or exceed zero point six (0.6) and rounded down when permits are less than zero point six (0.6); or (3-30-01)

iii. No tags will be allocated. (7-1-99)

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION Rules Governing Licensing

Docket No. 13-0104-0701
PENDING RULE

(BREAK IN CONTINUITY OF SECTIONS)

600. NONRESIDENT DEER AND ELK TAG QUOTAS.

01. Tag Quotas. The following number of deer tags and elk tags shall be set aside annually and reserved for sale to nonresidents: (3-20-97)

a. Twelve thousand eight hundred (12,800) regular or ~~Clearwater~~ White-tailed deer tags; (4-6-05)()

b. Twelve thousand eight hundred fifteen (12,815) A or B elk tags for all zones; (3-20-04)

c. One thousand two hundred (1,200) S.E. Idaho area Deer tags. (7-1-98)

02. Exceptions. Sales of nonresident deer and elk tags to the following persons shall not be counted in the quota: (7-1-93)

a. Unqualified Residents: Persons who have moved into Idaho and by notarized affidavit show proof of their intent to become bona fide Idaho residents but are not yet qualified to purchase a resident license. (7-1-93)

b. Designated Buyers: Nonresident tag buyers who return their unused nonresident deer or elk tag and a notarized affidavit stating that the tag buyer has not hunted may designate another nonresident to purchase an additional tag. If the original buyer does not make a designation and has retained an outfitter or guide, the outfitter or guide may make the designation. The designated buyer must pay the regular fee for the replacement tag. If no designation is made by either the original buyer or the outfitter or guide, the Department may sell the replacement tag on a first-come, first-serve basis. (7-1-93)

c. Successful nonresident controlled hunt applicants who have not purchased a tag as of the date of the controlled hunt drawing. (7-1-93)

d. Junior mentored tag holders. (3-20-04)

03. Refunds. The fee for any nonresident license (as defined in Section 36-202(z), Idaho Code) shall not be refunded for any reason except as follows. (7-1-98)

a. Hunting license and general season deer and elk tag refunds due to death, illness/injury or military deployment of licensee. Non-resident general season deer or elk tag fees and prerequisite hunting license fee and controlled hunt deer and elk tag fees may be refunded for death of licensee; illness or injury of licensee which totally disabled the licensee for the entire length of any applicable hunting season; or military deployment of licensee due to an armed conflict. Refund must be substantiated by death certificate, published obituary, written justification by a licensed medical doctor, copy of military orders, or other similar substantiating documents. The hunting license fee will not be refunded if it was used to apply for any controlled hunt or to purchase a turkey, mountain lion, or bear tag. The amount refunded will be the amount

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION Rules Governing Licensing

**Docket No. 13-0104-0701
PENDING RULE**

of the applicable deer or elk tag and hunting license less all issuance fees and a fifty dollar (\$50) processing fee. The refund request must be postmarked on or before December 31 of the calendar year in which the license and tags were valid. (4-6-05)

b. General season and controlled hunt deer and elk tag refunds for other than death, illness/injury, or military deployment of licensee. Non-resident general season and controlled hunt deer or elk tag fees may be refunded for any reason other than death of the licensee; illness or injury of licensee which totally disables the licensee for the entire length of all applicable seasons; or military deployment of licensee due to an armed conflict. The request for the refund must be postmarked in the year in which the tag is valid. The hunting license fee will not be refunded. The refund will be based on the following sliding scale as a percent of the deer or elk tag fee.

Postmarked	Percent of Fee Refunded
Before April 1	- 75%
in April through June	- 50%
in July and August	- 25%
September through December	- 0%

(4-6-05)

c. Department Error. The Department determines that a Department employee made an error in the issuance of the license. (7-1-98)

d. Submission Requirements. All refund requests must be in writing and be accompanied with the original copy of the license or tag. (7-1-98)

e. Effective. These changes will be effective with the 1997 licenses and tags. (7-1-98)

04. Sale of Unsold Nonresident Deer and Elk Tags to Residents. Any unsold nonresident deer or elk tags may be sold to residents and to nonresidents as a second tag, at the nonresident deer or elk tag price, beginning September 1. All privileges and restrictions associated with the use of the nonresident deer or elk tag will apply equally to residents who purchase a nonresident deer or elk tag. (3-15-02)

HOUSE RESOURCE & CONSERVATION COMMITTEE

IDAPA 13 - FISH AND GAME COMMISSION

**13.01.08 - RULES GOVERNING THE TAKING OF BIG GAME
ANIMALS IN THE STATE OF IDAHO**

DOCKET NO. 13-0108-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104(b) and 36-1101, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 265 through 285.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Brad Compton (208) 287-2756.

DATED this 13th day of November, 2007.

W. Dallas Burkhalter
Deputy Attorney General
Natural Resources Division/Fish and Game
600 S. Walnut / P.O. Box 25
Boise, Idaho 83707

***THE FOLLOWING NOTICE PUBLISHED WITH THE
TEMPORARY AND PROPOSED RULE***

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION
Taking of Big Game Animals in the State of Idaho

Docket No. 13-0108-0701
PENDING RULE

EFFECTIVE DATE: The effective date of the temporary rule is March 12, 2007.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 36-104(b) and 36-1101(a), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Amend the legal weapon definitions to:

- 1) Allow lighted reticles powered by battery or tritium for telescopic sights;
- 2) Increase the let-off restriction for compound bows;
- 3) Allow the use of lighter arrows and bolts;
- 4) Amend the minimum length for arrows and bolts;
- 5) require loose powder for muzzleloaders;
- 6) Require muzzleloader projectiles to be within a minimum diameter of the bore diameter;
- 7) Prohibit 209 primers for muzzleloader seasons; and
- 8) Require an exposed pivoting hammer and exposed ignition system for muzzleloader seasons.

Add Units 49, 57 and 59 to the list of Big Game Management Units with motorized vehicle use restrictions and delete controlled hunt boundary descriptions which are set by proclamation and published in the hunting brochure.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The temporary rule confers a benefit to outfitters and hunters.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION
Taking of Big Game Animals in the State of Idaho

Docket No. 13-0108-0701
PENDING RULE

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the need to comply with statutory amendments and the need to comply with printing schedules for the 2007 hunting seasons.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Brad Compton (208) 287-2756.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 21st day of August, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

410. UNLAWFUL METHODS OF TAKE.

No person shall take big game animals as outlined in this section. (7-1-93)

01. Firearms. (7-1-93)

a. With any firearm that, in combination with a scope, sling, and/or any other attachments, weighs more than sixteen (16) pounds. (7-1-93)

b. With any shotgun using any shot smaller than double-aught (#00) buck. (7-1-93)

c. With any rimfire rifle, rimfire handgun or any muzzleloading handgun, EXCEPT for mountain lion. (7-1-93)

d. With a fully automatic firearm. (10-26-94)

e. With any electronic device attached to, or incorporated in, the firearm (including handguns and shotguns) or scope; except scopes containing battery powered or tritium lighted reticles are allowed. (~~3-30-01~~)()

02. Bows, Crossbows, Arrows, Bolts, Chemicals or Explosives. (3-20-97)

a. With arrows or bolts having broadheads measuring less than seven-eighths (7/8) inch in width and having a primary cutting edge less than fifteenth-thousandths (0.015) inch thick. (7-1-93)

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION Taking of Big Game Animals in the State of Idaho

Docket No. 13-0108-0701
PENDING RULE

- b. With any bow having a peak draw weight of less than forty (40) pounds up to or at a draw of twenty-eight (28) inches, or any crossbow having a peak draw weight of less than one hundred-fifty (150) pounds. (3-20-97)
- c. With any chemicals or explosives attached to the arrow or bolt. (7-1-93)
- d. With arrows or bolts having expanding broadheads. (7-1-93)
- e. With arrows or bolts having barbed broadheads. A barbed broadhead is a broadhead which has any portion of the rear edge of the broadhead forming an angle less than ninety (90) degrees with the shaft or ferrule. (7-1-93)
- f. With any electronic or tritium-powered device attached to, or incorporated into, an arrow, bolt, crossbow, or bow. (3-30-01)
- g. With any bow capable of shooting more than one (1) arrow at a time. (7-1-93)
- h. With any compound bow with more than ~~sixty~~ eighty-five percent (85%) let-off. (7-1-93)()
- i. With an arrow and broadhead, or bolt and broadhead, with a combined total weight of less than ~~four~~ three hundred (300) grains. (3-20-97)()
- j. With an arrow less than ~~twelve~~ twenty-four (24) inches or a crossbow bolt less than twelve (12) inches in length from the broadhead to the nock inclusive. (3-30-01)()
- k. With an arrow wherein the broadhead does not proceed the shaft and nock. (3-30-01)
- l. During an *Archery Only* season, with any firearm, crossbow (except holders of handicapped archery permits), or other implement other than a longbow, compound bow, or recurve bow, or: (3-30-07)
- i. With any device attached that holds a bow at partial or full draw (except holders of handicapped archery permits). (3-30-07)
- ii. With any bow or crossbow equipped with magnifying sights. (3-20-97)
- m. During a *Traditional Archery Only* season, with any firearm, crossbow, or other implement other than a longbow or recurve bow, or: (3-15-02)
- i. With an arrow not constructed of wood or fletched with non-natural material. (3-15-02)
- ii. With any bow equipped with sights. (3-15-02)
- n. With any crossbow pistol. (3-20-97)

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION Taking of Big Game Animals in the State of Idaho

Docket No. 13-0108-0701
PENDING RULE

03. Muzzleloaders. (7-1-93)

a. With a muzzleloading rifle or musket which is less than forty-five (.45) caliber for deer, antelope, or mountain lion, or which is less than fifty (.50) caliber for elk, moose, bighorn sheep, mountain goat, or black bear. (7-1-93)

b. With any electronic device attached to, or incorporated in, the muzzleloader. (3-30-01)

c. During a *Muzzleloader Only* season, with any firearm, muzzleloading pistol or other implement other than a muzzleloading rifle or musket which: (7-1-93)

i. Is at least forty-five (.45) caliber for deer, antelope or mountain lion or at least fifty (.50) caliber for elk, moose, bighorn sheep, mountain goat or black bear. (7-1-93)

ii. Is capable of being loaded only from the muzzle. (7-1-93)

iii. Is equipped only with open or peep sights. (7-1-93)

iv. Is loaded only with loose black powder or, loose Pyrodex or other loose synthetic black powder. Pelletized powders are prohibited. (3-20-97)()

v. Is equipped with no more than two (2) barrels. (7-1-93)

vi. Is loaded only with a projectile ~~of at least four hundred twenty-eight (.428) caliber~~ with a diameter within one hundredth (.01) of an inch of the bore diameter. Sabots are prohibited. (3-20-97)()

vii. Is equipped only with flint, musket cap, or percussion cap. 209 primers are prohibited. (4-6-05)()

viii. Is equipped with an exposed pivoting hammer and has an exposed ignition system. ()

~~d. During a TRADITIONAL MUZZLELOADER ONLY season, with any firearm other than a muzzleloader rifle or musket with an exposed hammer that pivots:~~ (3-15-02)

~~i. Is loaded only with loose black powder or Pyrodex.~~ (3-15-02)

~~ix.~~ Is loaded only with a patched round ball or conical non-jacketed projectile comprised wholly of lead or lead alloy. Sabots are not allowed. (4-11-06)

04. Short-Range Weapon. During Short-Range Weapon ONLY seasons ONLY the following weapons may be used: (7-1-99)

a. With any shotgun using any slug or double-aught (#00) or larger buckshot. (7-1-99)

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION **Taking of Big Game Animals in the State of Idaho**

Docket No. 13-0108-0701
PENDING RULE

b. With any muzzleloader that is at least forty-five (0.45) caliber for deer, antelope, or mountain lion or at least fifty (0.50) caliber for elk, moose, bighorn sheep, mountain goat, or black bear. (7-1-99)

c. With any bow having a peak draw weight of not less than forty (40) pounds up to or at a draw of twenty-eight (28) inches, or any crossbow having a peak draw weight of not less than one hundred fifty (150) pounds. (7-1-99)

05. Other. (7-1-93)

a. With electronic calls EXCEPT for the hunting of mountain lions in Units 41, 42 and that portion of Unit 12 north of State Highway 12 southwest of the Doe Creek Road (Forest Service Road 566) and northeast of Cabin Creek and Forest Service Road 486. (3-15-02)

b. With any bait including grain, salt in any form (liquid or solid), or any other substance (not to include liquid scent) to constitute an attraction or enticement, with the exception of applicable rules for the black bear baiting permit. See Rules of the Idaho Fish and Game Commission, IDAPA 13.01.17, "Rules Governing the Use of Bait for Taking Big Game Animals." (3-30-01)

c. With dogs, EXCEPT for mountain lion or black bear. See Rules of the Idaho Fish and Game Commission, IDAPA 13.01.15, "Rules Governing the Use of Dogs." (7-1-93)

d. With any net, snare, trap, chemical, deadfall or device other than legal firearm, archery or muzzleloader equipment. (7-1-93)

e. Within an enclosure designed to prevent ingress or egress of big game animals, including fenced facilities defined as Domestic Cervidae Farms under Section 25-3501, Idaho Code, unless authorized by the director. This rule shall not apply to domestic cervidae which are lawfully privately owned elk, fallow deer, or reindeer. (4-6-05)

(BREAK IN CONTINUITY OF SECTIONS)

412. MOTORIZED VEHICLE USE RESTRICTION UNITS.

The motorized vehicle use restriction applies to areas and hunts in units 29, 30, 30A, 32, 32A, 36A, 37, 37A, 45, 47, 48, 49, 50, 51, 52, 53, 56, 57, 58, 59, 59A, 66, 69, 70, 72 (late season), 73, 75, 77, and 78. The specific hunts and areas with a motorized vehicle use restriction are identified in the Commission's Big Game Season Proclamation, which is published in a brochure available at department offices and license vendors. (~~3-30-07~~)(____)

(BREAK IN CONTINUITY OF SECTIONS)

700. CONTROLLED HUNT AREA DESCRIPTIONS -- DEER.

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION Taking of Big Game Animals in the State of Idaho

Docket No. 13-0108-0701
PENDING RULE

Pursuant to Section 36-105(3), Idaho Code, the Commission now sets seasons by proclamation. The proclamation is published in a brochure available at Department offices and license vendors.

()

- ~~01. Hunt Area 1. All of Unit 1. (3-30-07)~~
- ~~02. Hunt Area 8X. All of Unit 8. (3-30-07)~~
- ~~03. Hunt Area 8AX. That portion of Unit 8A within one mile of private land. (For purposes of this hunt, "private land" does not include corporate timberlands). (3-30-07)~~
- ~~04. Hunt Area 10AX. That portion of Unit 10A within one (1) mile of private land. (For purposes of this hunt, "private land" does not include corporate timberlands). (3-30-07)~~
- ~~05. Hunt Area 11. All of Unit 11. (10-26-94)~~
- ~~06. Hunt Areas 11A. All of Unit 11A. (3-30-07)~~
- ~~07. Hunt Area 11AX. All of Unit 11A and that portion of Unit 14 north and west of U.S. Highway 95 and Whitebird Creek. (3-30-07)~~
- ~~08. Hunt Area 13. All of Unit 13. (7-1-99)~~
- ~~09. Hunt Area 14. All of Unit 14. (7-1-99)~~
- ~~10. Hunt Area 15X. The western portions of Units 15 and 16 outside of and up to one mile inside the National Forest System Boundary. The National Forest System Boundary is a legislatively set boundary—it is not necessarily the boundary of Forest Service property. Please refer to a US Forest Service map for the location of this boundary. (3-30-07)~~
- ~~11. Hunt Area 18. All of Unit 18. (3-30-07)~~
- ~~12. Hunt Area 19A. All of Unit 19A. (3-15-02)~~
- ~~13. Hunt Area 20A. All of Unit 20A. (4-5-00)~~
- ~~14. Hunt Area 21. All of Units 21, 28, 36, 36A, and 36B. (3-30-07)~~
- ~~15. Hunt Area 21-1. Private land within Units 21, 21A, 28, 29, 30, 30A, 36A, 36B, 37, and 37A. (3-30-07)~~
- ~~16. Hunt Area 22. All of Unit 22. (3-30-01)~~
- ~~17. Hunt Area 23. All of Unit 23. (10-26-94)~~
- ~~18. Hunt Area 23X. That area of Unit 23 outside the National Forest System Boundary and within the Little Salmon River drainage, upstream from and including the Boulder Creek drainage on the west side of the Little Salmon River; and upstream from but excluding the~~

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION

Taking of Big Game Animals in the State of Idaho

Docket No. 13-0108-0701

PENDING RULE

<i>Hazard Creek drainage on the east side of the Little Salmon River.</i>	<i>(3-30-07)</i>
19. Hunt Area 25. All of Unit 25.	(7-1-93)
20. Hunt Area 26. All of unit 26.	(4-5-00)
21. Hunt Area 27. All of Unit 27.	(4-5-00)
22. Hunt Area 31. All of Unit 31.	(3-30-01)
23. Hunt Area 32. All of Unit 32.	(3-30-01)
24. Hunt Area 32A. All of Unit 32A.	(3-30-01)
25. Hunt Areas 33. All of Units 33 and 35, and that portion of Unit 34 south and west of the Landmark Stanley Road.	(3-15-02)
26. Hunt Area 37. All of Units 37 and 37A.	(3-30-07)
27. Hunt Area 39-1. All of Unit 39.	(3-15-02)
28. Hunt Area 39-2. All of Unit 39 EXCEPT that portion of Unit 39 south and east of the Black's Creek Road and south of the South Fork of the Boise River.	(3-30-07)
29. Hunt Area 39-3. That portion of Unit 39 within the following boundary: Beginning at a point four hundred (400) yards north of State Highway 21 at the Ada County Line, south and west on a line four hundred (400) yards north of State Highway 21 to Warm Springs Avenue, and west on a line four hundred (400) yards north of Warm Springs Avenue to the Highlands-Table Rock powerline, north and west on the Highlands-Table Rock powerline to State Highway 55, north on Highway 55 to the Ada County Line, and southeast on the Ada County Line to the point of beginning.	(4-5-00)
30. Hunt Areas 40-1. All of Unit 40.	(3-30-07)
31. Hunt Area 40-2. All of Units 40, 41, and 42.	(4-5-00)
32. Hunt Area 41. All of Unit 41.	(3-30-01)
33. Hunt Areas 42-1. All of Unit 42.	(3-30-07)
34. Hunt Area 43. All of Unit 43.	(3-30-07)
35. Hunt Area 44-1. All of Unit 44.	(3-30-01)
36. Hunt Area 44-2. All of Units 44, 45, and 52.	(3-30-07)
37. Hunt Area 45-1. That portion of Unit 45 west of the Bliss-Hill City Road.	(3-30-07)

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION Taking of Big Game Animals in the State of Idaho

Docket No. 13-0108-0701
PENDING RULE

38. ~~Hunt Area 45-2.~~ All of Unit 45. (3-30-07)
39. ~~Hunt Area 45-3.~~ That portion of Unit 45 east of the Bliss Hill City Road. (3-30-07)
40. ~~Hunt Area 46.~~ All of Units 46, 47, 54, 55, and 57. (3-15-02)
41. ~~Hunt Area 47-1.~~ All of Unit 47. (7-1-98)
42. ~~Hunt Area 47-2.~~ All of Units 46 and 47. (10-26-94)
43. ~~Hunt Area 48.~~ All of Unit 48. (10-26-94)
44. ~~Hunt Area 49.~~ All of Unit 49. (10-26-94)
45. ~~Hunt Area 50-1.~~ That portion of Unit 50 west of U.S. Highway 93. (3-30-01)
46. ~~Hunt Area 50-2.~~ All of Unit 50. (7-1-98)
47. ~~Hunt Area 51.~~ All of Unit 51 and that portion of Unit 50 east of U.S. Highway 93. (3-30-01)
48. ~~Hunt Area 52.~~ All of Unit 52. (3-30-01)
49. ~~Hunt Area 52A.~~ All of Unit 52A. (Caution: See Craters of the Moon closure.) (3-30-07)
50. ~~Hunt Area 54.~~ All of Unit 54. (3-30-01)
51. ~~Hunt Area 55.~~ All of Unit 55. Most of the City of Rocks National Reserve is open to hunting. Information about hunting within the Reserve is available to permittees at IDFG offices and at the National Park Service office in Almo. (3-30-07)
52. ~~Hunt Area 56.~~ All of Unit 56. (10-26-94)
53. ~~Hunt Area 57.~~ All of Unit 57. (3-30-01)
54. ~~Hunt Area 58.~~ All of Units 58, 59, and 59A. (3-15-02)
55. ~~Hunt Area 60-1.~~ All of Units 60, 62A, and that portion of Unit 60A beyond one (1) mile north and west of the North (Henrys) Fork of the Snake River. (3-30-07)
56. ~~Hunt Area 60-2.~~ All of Units 60, 61, and 62A. (3-30-07)
57. ~~Hunt Area 60X.~~ All of Units 60, 60A, 62, 63, 63A, 64, 65, 66, 67, and 69. (3-30-07)

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION

Taking of Big Game Animals in the State of Idaho

Docket No. 13-0108-0701

PENDING RULE

- ~~58. Hunt Area 61. All of Unit 61. (3-20-97)~~
- ~~59. Hunt Area 62. All of Unit 62. (3-15-02)~~
- ~~60. Hunt Area 64. All of Unit 64 and that portion of Unit 67 north and east of State Highway 26. (7-1-99)~~
- ~~61. Hunt Area 66. All of Unit 66. (3-30-01)~~
- ~~62. Hunt Area 67. That portion of Unit 67 north and west of State Highway 31. (3-30-07)~~
- ~~63. Hunt Area 68A. All of Unit 68A. (3-20-97)~~
- ~~64. Hunt Area 69. All of Unit 69. (3-30-07)~~
- ~~65. Hunt Area 70. All of Units 56, 70, 73, 73A, and 78. (3-30-07)~~
- ~~66. Hunt Area 75. All of Unit 75, 77, and 78. EXCEPT the private land in Unit 75 east and north of the Bear River is CLOSED. (3-15-02)~~

701. CONTROLLED HUNT AREA DESCRIPTIONS - ELK.

Pursuant to Section 36-105(3), Idaho Code, the Commission now sets seasons by proclamation. The proclamation is published in a brochure available at Department offices and license vendors.

()

- ~~01. Hunt Area 1. That portion of Unit 1 within the Priest River Drainage and within the Pend Oreille River drainage downstream from Priest River. (3-30-07)~~
- ~~02. Hunt Area 4. All of Units 4 and 7. (3-20-97)~~
- ~~03. Hunt Area 8-1. That portion of Units 8 and 8A north of the following line: Beginning at the western boundary of Unit 8 at its junction with State Highway 8, then east on Highway 8 to State Highway 9, then northwest on Highway 9 to State Highway 6, then north on Highway 6 to the Unit 8A boundary. (3-30-01)~~
- ~~04. Hunt Area 8-2. That portion of Units 8 and 8A south of the following line: Beginning at the western boundary of Unit 8 at its junction with State Highway 8, then east on Highway 8 to Forest Service Road 1963 at Helmer, then south and east on Forest Service Road 1963 to Long Meadow Creek, then southeast along Long Meadow Creek to Dworshak Reservoir, then east along the shoreline of Dworshak Reservoir to the Unit 8A boundary at Dent Bridge. (3-15-02)~~
- ~~05. Hunt Area 10A. That portion of Unit 10A west of the Clearwater National Forest boundary, south of Forest Service Road 250, south of State Highway 11 from Pierce to Weippe, and Jim Ford Creek from Weippe to its junction with the Clearwater River. (3-30-07)~~
- ~~06. Hunt Area 11-1. All of Unit 11. (3-30-07)~~

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION Taking of Big Game Animals in the State of Idaho

Docket No. 13-0108-0701
PENDING RULE

~~07. **Hunt Area 11-2.** That portion of Unit 11 within one (1) mile of cultivated fields and north and east of the follow boundary: Beginning at the Unit 11/13 boundary at the Nez Perce County/Lewis County line, then north on the Nez Perce County/Lewis County line to Soldiers Meadow Road, then west on Soldiers Meadow Road to ZaZa Road, then north on ZaZa Road to Waha Road, then north on Waha Road to Redbird Road, then west on Redbird Road to the boundary of the Craig Mountain WMA, then north and east along the Craig Mountain WMA boundary to the Snake River, then north along the Snake River to the Unit 8/11 boundary.~~

~~(3-30-07)~~

~~08. **Hunt Area 11A.** All of Unit 11A.~~

~~(7-1-99)~~

~~09. **Hunt Area 13.** All of Unit 13.~~

~~(3-30-01)~~

~~10. **Hunt Area 14.** That portion of Unit 14 north of and west of the following boundary: Beginning on the Unit 14 western boundary at John Day Creek, then east along the main fork of John Day Creek to the National Forest boundary, then north along the National Forest boundary to Forest Service Road 2025 (Skookumchuck Road), then east along Forest Service Road 2025 to Forest Service Road 221, then north along Forest Service Road 221 to the Unit 14 eastern boundary.~~

~~(3-30-07)~~

~~11. **Hunt Area 18.** All of Unit 18.~~

~~(3-30-01)~~

~~12. **Hunt Area 19A.** All of Unit 19A.~~

~~(3-30-01)~~

~~13. **Hunt Area 21A.** All of Unit 21A.~~

~~(3-30-07)~~

~~14. **Hunt Area 22-1.** That portion of Unit 22 described as follows: Beginning at the junction of U.S. 95 and the West Fork Weiser River Road (Forest Service Road 127), then north on Forest Service Road 127 to Grouse Creek Road (Forest Service Road 123), then northwest on Forest Service Road 123 to the watershed divide between Lick Creek and Lost Creek drainages, then north on the divide between Lick Creek and Lost Creek drainages to Lick Creek Lookout, then west on Unit 22 boundary to the Snake River, then south on the Snake River to State Highway 71, then southeast on State Highway 71 to Cambridge, then north on U.S. 95 to the point of beginning.~~

~~(3-30-01)~~

~~15. **Hunt Area 22-2.** That portion of Unit 22 as follows: Beginning at the junction of U.S. 95 and the West Fork Weiser River Road (Forest Service Road 127), then north on Forest Service Road 127 to Grouse Creek Road (Forest Service Road 123), then northwest on Forest Service Road 123 to the watershed divide between Lick Creek and Lost Creek drainages, then north on the divide between Lick Creek and Lost Creek drainages to Lick Creek Lookout, then east along Unit 22 boundary to U.S. 95 to the point of beginning.~~

~~(5-15-95)~~

~~16. **Hunt Area 22-3.** All of Unit 22.~~

~~(3-30-01)~~

~~17. **Hunt Area 23-1.** All of Unit 23.~~

~~(10-26-94)~~

~~18. **Hunt Area 23-2.** That portion of Unit 23 within the Little Salmon River drainage,~~

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION Taking of Big Game Animals in the State of Idaho

Docket No. 13-0108-0701
PENDING RULE

~~upstream from and including the Boulder Creek drainage on the west side of the Little Salmon River, and upstream from but excluding the Hazard Creek drainage on the east side of the Little Salmon River.~~ (3-30-07)

~~19. **Hunt Area 23-3.** That portion of Unit 23 west of U.S. 95 and north of, and excluding, the Boulder Creek drainage.~~ (3-30-01)

~~20. **Hunt Area 23-4.** That portion of Unit 23 which drains into the main Salmon River upstream from its confluence with the Little Salmon River to the French Creek Burgdorf Road.~~ (3-30-01)

~~21. **Hunt Area 24-1.** That portion of Unit 24 within the following boundary: Beginning at the junction of State Highway 55 and the Warm Lake Road, then east along Warm Lake Road to the Unit 24/25 boundary, then north along the Unit 24/25/19A boundary to the intersection of the Unit 24/19A/23 boundaries, then south along the Unit 24/23/32A boundary to Forest Service Road 186 at No Business Saddle, then southeast on Forest Service Road 186 to West Mountain Road, then south on West Mountain Road to Tamarack Falls Road, then east on Tamarack Falls Road to Norwood Road, then north on Norwood Road to West Roseberry Road, then east on West Roseberry Road to State Highway 55, then south on State Highway 55 to the point of beginning. EXCEPT Short Range Weapons ONLY in that portion within the following boundary: Beginning in McCall at the junction of State Highway 55 and Boydston Street, then south on Boydston Street to West Valley Road, then west and south along West Valley Road and West Mountain Road to Tamarack Falls Road, then east on Tamarack Falls Road to Norwood Road, then north on Norwood Road to West Roseberry Road, then east on West Roseberry Road to State Highway 55, then south on State Highway 55 to Farm to Market Road, then north on Farm to Market Road to Elo Road, then west on Elo Road to State Highway 55, then north on State Highway 55 to the point of beginning.~~ (3-30-07)

~~22. **Hunt Area 24-2.** That portion of Unit 24 within the following boundary: Beginning north of Cascade at the junction of State Highway 55 and Warm Lake Road, then north on Highway 55 to West Roseberry Road, then west on West Roseberry Road to Norwood Road, then south on Norwood Road to Tamarack Falls Road, then west on Tamarack Road to West Mountain Road, then north on West Mountain Road to Forest Service Road 186, then northwest on Forest Service Road 186 to No Business Saddle, then south along the Unit 24/32A unit boundary to the intersection of the Unit 24/32A/33 boundaries at Smith's Ferry, then north along the Unit 24/33/25 boundary to Warm Lake Road, then west on Warm Lake Road to the point of beginning. EXCEPT Short Range Weapons Only within the following boundary: Beginning in Donnelly at the junction of State Highway 55 and West Roseberry Road, then west on West Roseberry Road to Norwood Road, then south on Norwood Road to Tamarack Falls Road, then west on Tamarack Falls Road to West Mountain Road, then south on West Mountain Road to Cabarton Road, then north on Cabarton Road to State Highway 55, then north on State Highway 55 to the point of beginning.~~ (3-30-07)

~~23. **Hunt Area 24-3.** All of Unit 24.~~ (4-5-00)

~~24. **Hunt Area 25.** All of Unit 25.~~ (3-30-01)

~~25. **Hunt Area 28.** All of Unit 28.~~ (3-30-07)

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION Taking of Big Game Animals in the State of Idaho

Docket No. 13-0108-0701
PENDING RULE

- ~~26. Hunt Area 29-1. All of Unit 29. (7-1-99)~~
- ~~27. Hunt Area 29-2. All of Units 29 and 37A. (7-1-99)~~
- ~~28. Hunt Area 30. All of Unit 30. (3-30-07)~~
- ~~29. Hunt Area 30-1. All of Units 30, 30A, 58, 59, and 59A. (7-1-99)~~
- ~~30. Hunt Area 30A. All of Unit 30A. (3-30-01)~~
- ~~31. Hunt Area 31-1. That portion of Unit 31 that drains into the Snake River, upstream from and including the Grouse Creek Drainage to the U.S. Highway 95 bridge in Weiser; and that portion of Unit 31 that drains into Monroe Creek from it's mouth upstream to and including the Sheep Creek drainage. (3-30-07)~~
- ~~32. Hunt Area 31-2. All of Unit 31. (3-30-07)~~
- ~~33. Hunt Area 32-1. That portion of Unit 32 east of the following boundary: Beginning at the Unit 32/38 boundary at Emmett, then north on Highway 52 to the Van Dussen Road, then north on Four Mile Road to the Unit 32/32A boundary. (3-30-07)~~
- ~~34. Hunt Area 32-2. All of Unit 32 south and east of the following boundary: Beginning at the Unit 32 boundary at Gardena, then west on the Brownlee Road to the Sweet Highway, then south to Highway 52, then south and west on Highway 52 to the Unit 32/38 boundary. (3-30-07)~~
- ~~35. Hunt Area 32A. All of Unit 32A. (3-30-01)~~
- ~~36. Hunt Area 33-1. Beginning at the Unit 33 boundary on the Alder Creek Road (Forest Road 615) then west and north along the Unit 33/39 boundary to Banks, then north on the Unit 32/33 boundary to Smith's Ferry, then south on Forest Road 689 to Murray Saddle, then north along the watershed divide between the North Fork and the Middle Fork of the Payette River to Forest Road 696 (West Fork of Scriver Creek), then east on Forest Road 696 to Forest Road 693 (Scriver Creek), then south and east on Forest Road 693 to Forest Road 698 (Middle Fork Road), then south on Forest Road 698 to the Banks-Lowman Highway (Highway 17), then east on the Banks-Lowman Highway to Forest Road 615 (Alder Creek Road), then south on Forest Road 615 to the unit boundary, the point of beginning. (3-30-07)~~
- ~~37. Hunt Area 33-2. All of Units 33 and 35 and that portion of Unit 34 south and west of the Landmark Stanley Road. (3-30-01)~~
- ~~38. Hunt Area 36-1. That portion of Unit 36 west of State Highway 75 and south of and including Redfish Lake Creek drainage. (3-30-07)~~
- ~~39. Hunt Area 36-2. That portion of Unit 36 not included in Hunt Area 36-1. (3-30-07)~~

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION Taking of Big Game Animals in the State of Idaho

Docket No. 13-0108-0701
PENDING RULE

40. ~~Hunt Area 36A.~~ All of Unit 36A. (3-30-07)
41. ~~Hunt Area 36A-1.~~ That portion of Unit 36A west of the East Fork of the Salmon River and that portion east of the East Fork of the Salmon River upstream from and including the West Pass Creek drainage. (3-30-01)
42. ~~Hunt Area 36A-2.~~ That portion of Unit 36A east of the East Fork of the Salmon River downstream from but EXCLUDING the West Pass Creek drainage; and that portion of Unit 50 north of Trail Creek Road and west of U.S. 93, and that portion of Unit 50 north of the Doublespring Pass Road east of U.S. Highway 93. (3-30-07)
43. ~~Hunt Area 36B.~~ All of Unit 36B. (4-5-00)
44. ~~Hunt Area 37.~~ All of Unit 37. (3-30-01)
45. ~~Hunt Areas 37A.~~ All of Unit 37A. (3-30-07)
46. ~~Hunt Area 39-1.~~ That portion of Unit 39 south and east of State Highway 21. (3-30-07)
47. ~~Hunt Area 39-2.~~ That portion of Unit 39 north and west of State Highway 21. (3-30-07)
48. ~~Hunt Area 39-3.~~ That portion of Unit 39 north and west of the following boundary: Beginning in Boise, north on the Bogus Basin Road to Bogus Basin, then north on Forest Service Road 374 (Boise Ridge Road) to the Unit 39 boundary at Hawley Mountain. (3-30-07)
49. ~~Hunt Area 40.~~ All of Units 40, and 42. (3-30-07)
50. ~~Hunt Area 43.~~ All of Unit 43. (3-30-01)
51. ~~Hunt Area 44-1.~~ All of Unit 44. (3-30-07)
52. ~~Hunt Area 44-2.~~ All of Units 44, 45, and 52. (3-30-07)
53. ~~Hunt Area 45.~~ All of Units 45 and 52. (3-30-01)
54. ~~Hunt Area 48-1.~~ All of Unit 48. (3-30-01)
55. ~~Hunt Area 48-2.~~ That portion of Unit 48 north Trail Creek and the Ketchum Warm Springs Creek Dollarhide Summit Road. (3-30-01)
56. ~~Hunt Area 48-3.~~ That portion of Unit 48 south of the Ketchum Warm Springs Creek Dollarhide Summit Road. (3-30-01)
57. ~~Hunt Area 48-4.~~ That portion of Unit 48 south and east of the following boundary: Beginning at the junction of the Deer Creek Road and State Highway 75, then west on the Deer

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION Taking of Big Game Animals in the State of Idaho

Docket No. 13-0108-0701
PENDING RULE

~~Creek Road (Forest Service Road 097) to the Deer Creek Trail (Forest Service Trail 168), then west on the Deer Creek Trail to the Curran Creek Trail (Forest Service Trail 160), then southwest on the Curran Creek Trail to the Unit 44/48 boundary, and that portion of Unit 44 east of Willow Creek and south and east of Little Beaver Creek and Princess Mine Road.~~ (3-30-07)

~~58. Hunt Area 49.~~ All of Unit 49. (3-30-07)

~~59. Hunt Area 50-1.~~ That portion of Unit 50 south of the Doublespring Pass Road east of U.S. Highway 93, and that portion south of the Trail Creek Road west of U.S. Highway 93. (3-30-07)

~~60. Hunt Area 50-2.~~ That portion of Unit 50 south of the Doublespring Pass Road east of U.S. Highway 93, and that portion south of the Trail Creek Road west of U.S. Highway 93 EXCLUDING the East Fork of the Big Lost River drainages and EXCLUDING south of the Antelope/Fish Creek Road. (3-30-07)

~~61. Hunt Area 50-3.~~ That portion of Unit 50 south of the Antelope/Fish Creek Road. (3-30-07)

~~62. Hunt Area 51.~~ All of Unit 51. (3-30-07)

~~63. Hunt Area 52A.~~ All of Units 52A and 68. (Caution: See Craters of the Moon closure.) (3-30-07)

~~64. Hunt Area 54-1.~~ All of Units 46, 47, 54, 55, and 57 and that portion of Unit 41 east of the West Fork Bruneau River. (3-30-07)

~~65. Hunt Area 54-2.~~ Private land within Units 46, 47, 54, 55, and 57 and private land within that portion of Unit 41 east of the West Fork Bruneau River. (3-30-07)

~~66. Hunt Area 56.~~ All of Unit 56. (3-30-07)

~~67. Hunt Area 58-1.~~ All of Unit 58, 59, and 59A. (7-1-99)

~~68. Hunt Area 58-2.~~ All of Unit 58. (7-1-99)

~~69. Hunt Area 59.~~ All of Units 59 and 59A. (7-1-99)

~~70. Hunt Area 60.~~ All of Units 60, 60A, 61, and 62A. (3-30-07)

~~71. Hunt Area 60-1.~~ All of Units 60, 61, and 62A. (3-30-07)

~~72. Hunt Area 60-2.~~ All of Units 60 and 60A. (3-30-07)

~~73. Hunt Area 61.~~ All of Unit 61. (3-30-01)

~~74. Hunt Area 62.~~ That portion of Unit 62 within the National Forest boundary and that portion of Unit 65 east of State Highway 33. (3-30-07)

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION Taking of Big Game Animals in the State of Idaho

Docket No. 13-0108-0701
PENDING RULE

75. ~~Hunt Area 62A.~~ All of Unit 62A. (3-30-07)
76. ~~Hunt Area 66X.~~ All of Units 66 and 69. (3-30-07)
77. ~~Hunt Area 66A.~~ All of Units 66A and 76. (3-30-01)
78. ~~Hunt Area 66A-1.~~ All of Unit 66A. (3-30-07)
79. ~~Hunt Area 70.~~ All of Units 70, 71, 72, 73, 73A, and 74. (3-30-01)
80. ~~Hunt Area 73X.~~ That portion of Unit 73 east of Interstate Highway 15, south of Two-mile Canyon Skyline Dry Canyon Road (Forest Service Road 053), and south and east of State Highway 36 to the Utah border. (3-30-07)
81. ~~Hunt Area 74X.~~ Those portions of Units 74 and 75 within the following: Beginning at the junction of Highway 34 and Central Road, west on Central Road to Mountain Road, south on Mountain Road to Gentile Road, south on Gentile Road to River Road, south on River Road to Thatcher Road, east on Thatcher Road to Highway 34, south on Highway 34 to Main Canyon Road (USFS Road 440) to the USFS boundary, north along the USFS boundary to King Canyon Road (USFS Road 183), west on King Canyon Road to the Harwood Road, south on Harwood Road to Burton Road, west on Burton Road to Highway 34 to the point of beginning. (3-30-07)
82. ~~Hunt Area 75.~~ All of Units 75, 77, and 78. (3-30-01)
83. ~~Hunt Area 76-1.~~ All of Unit 76. (3-30-07)
84. ~~Hunt Area 66A.~~ That portion of unit 66A within the Miller and Newswander Creek drainages, the Jackknife Creek drainage east of the mouth of Squaw Creek, and east of the Cabin Creek Haderlie Ridge Trail (Forest Service Trail 619), and the following portions of Unit 76: the drainage of Salt River east and south of the South Fork of Tincup Creek, and the drainage of the Thomas Fork of the Bear River north of State Highway 89 to the Idaho-Wyoming border. (3-30-07)
85. ~~Hunt Area 76-3X.~~ Private lands and adjacent National Forest lands within one-half (1/2) mile of the eastern boundary of National Forest within the following: Unit 66A south of Miller Creek, and Unit 76 north and east of the junction of Sage Creek and Crow Creek Road to the Idaho-Wyoming border. (3-30-07)
86. ~~Hunt Area 76-4X.~~ That portion of Unit 76 east of U.S. Highway 30 and south of the Georgetown Canyon Road and west of the Caribou National Forest boundary, and the area south of U.S. Highway 89 and north of U.S. Highway 30 between Montpelier. (3-30-07)
87. ~~Hunt Area 77X.~~ That portion of Unit 77 east of U.S. Highway 91, south of the Cub Creek Road, and west of the Cache National Forest boundary to the Utah border. (3-30-07)

702. CONTROLLED HUNT AREA DESCRIPTIONS -- MOOSE.

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION Taking of Big Game Animals in the State of Idaho

Docket No. 13-0108-0701
PENDING RULE

Pursuant to Section 36-105(3), Idaho Code, the Commission now sets seasons by proclamation. The proclamation is published in a brochure available at Department offices and license vendors.

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~~01. **Hunt Area 1-1.** That portion of Unit 1 within the Priest River drainage, and those portions of the Pend Oreille and Salmon River drainages downstream from the Priest River drainage.~~ (3-15-02)

~~02. **Hunt Area 1-2.** That portion of Unit 1 within the following boundaries: beginning on U.S. Highway 95 bridge across the Pend Oreille River at Sandpoint, then northward along Route 95 to the Kootenai River at Bonner's Ferry, then northwesterly along the Kootenai River to the U.S. border, then west along the U.S. border to the Priest River-Kootenai River divide, then south along the Priest River-Pack River divide to Flat Top Mountain, then south along the divide separating the Priest River drainage and the Pend Oreille River drainage to Priest River, then east along the Pend Oreille River to the point of beginning. EXCEPT MYRTLE CREEK GAME PRESERVE—CLOSED.~~ (3-15-02)

~~03. **Hunt Area 1-3.** That portion of Unit 1 north and east of the Kootenai River.~~ (3-15-02)

~~04. **Hunt Area 1-4.** That portion of Unit 1 south of the Kootenai River and east of U.S. Highway 95. EXCEPT THE DAVID THOMPSON GAME PRESERVE—CLOSED.~~ (3-15-02)

~~05. **Hunt Area 2.** All of Unit 2.~~ (4-3-95)

~~06. **Hunt Area 3.** All of Unit 3.~~ (4-5-00)

~~07. **Hunt Area 4.** All of Units 4 and 4A.~~ (4-5-00)

~~08. **Hunt Area 6.** All of Units 5 and 6.~~ (7-1-98)

~~09. **Hunt Area 7.** All of Unit 7.~~ (7-1-98)

~~10. **Hunt Area 8.** All of Unit 8.~~ (3-15-02)

~~11. **Hunt Area 8A.** All of Unit 8A.~~ (3-15-02)

~~12. **Hunt Area 9.** All of Unit 9.~~ (4-3-95)

~~13. **Hunt Area 10-1.** That portion of Unit 10 within the Cayuse Creek drainage.~~ (4-3-95)

~~14. **Hunt Area 10-2.** That portion of Unit 10 on the north side of the Kelly Creek drainage upstream from, but excluding, the Moose Creek drainage, and that portion on the south side of the Kelly Creek drainage upstream from, but excluding, the Cayuse Creek drainage.~~ (4-3-95)

~~15. **Hunt Area 10-3.** That portion of Unit 10 on the north side of the Kelly Creek~~

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION Taking of Big Game Animals in the State of Idaho

Docket No. 13-0108-0701
PENDING RULE

~~drainage upstream from its mouth to and including the Moose Creek drainage, and the North Fork of the Clearwater River drainage upstream from the mouth of Kelly Creek.~~ (4-3-95)

~~16. **Hunt Area 10-4.** That portion of Unit 10 within the Fourth of July Creek drainage, that portion on the south side of the North Fork of the Clearwater River from the mouth of Fourth of July Creek upstream to the mouth of Kelly Creek, and the south side of the Kelly Creek drainage from its mouth upstream to, but excluding, the Cayuse Creek drainage.~~ (4-3-95)

~~17. **Hunt Area 10-5.** That portion of Unit 10 within the Weitas Creek drainage (a tributary of the upper North Fork of the Clearwater River), and the drainages on the southwest side of the North Fork of the Clearwater River from the Weitas Creek drainage to, but excluding, the Fourth of July Creek drainage.~~ (4-3-95)

~~18. **Hunt Area 10-6.** That portion of Unit 10 on the north side of the North Fork of the Clearwater River drainage downstream from the mouth of Kelly Creek.~~ (3-15-02)

~~19. **Hunt Area 10A-1.** That portion of Unit 10A within the following boundary: Beginning at the junction of the Unit 10A boundary with Forest Service Road 250 along the North Fork of the Clearwater River, then west along Forest Service Road 250 to Forest Service Road 669, then west and south along Forest Service Road 669 to Highway 11 at Pierce, then south on Highway 11 to Forest Service Road 100, then south on Forest Service Road 100 to the Clearwater National Forest boundary, then south along the Clearwater National Forest boundary to the Unit 10A boundary, then north along the Unit 10A boundary to the point of beginning.~~ (3-15-02)

~~20. **Hunt Area 10A-2.** That portion of Unit 10A within the following boundary: Beginning at the junction of Unit 10A boundary with Forest Service Road 247, then south on Forest Service Road 247 to Forest Service Road 251, then south on Forest Service Road 251 to Forest Service Road 246, then southwest on Forest Service Road 246 to State Highway 11 at Headquarters, then south on Highway 11 to Forest Service Road 669 at Pierce, then northeast on Forest Service Road 669 to Forest Service Road 250, then northeast on Forest Service Road 250, to the Unit 10A boundary, then north and east along the Unit 10A boundary to the point of beginning.~~ (4-3-95)

~~21. **Hunt Area 10A-3.** That portion of Unit 10A within the following boundary: Beginning at the Grandad Bridge on the Unit 10A boundary, then south and east along the Silver Creek-Casey Creek Road to Forest Service Road 247, then south on Forest Service Road 247 to Forest Service Road 246 at Headquarters, then northeast on Forest Service Road 246 to Forest Service Road 251, then north on Forest Service Road 251 to Forest Service Road 247, then north on Forest Service Road 247 to the Unit 10A boundary at the North Fork of the Clearwater River, then west on the Unit 10A boundary to the point of beginning.~~ (7-1-98)

~~22. **Hunt Area 10A-4.** That portion of Unit 10A north of Forest Service Road 1705 from Elk River to Grandad Bridge and north and west of Dworshak Reservoir and the Little North Fork of the Clearwater River.~~ (4-3-95)

~~23. **Hunt Area 10A-5.** That portion of Unit 10A south of Forest Road 1705 from Elk River to Grandad Bridge and north and west of Dworshak Reservoir.~~ (4-5-00)

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION Taking of Big Game Animals in the State of Idaho

Docket No. 13-0108-0701
PENDING RULE

- ~~24. **Hunt Area 12-1.** That portion of Unit 12 north of the Lochsa River from and including the Lost Creek drainage upstream to, but excluding the Crooked Fork drainage. (7-1-98)~~
- ~~25. **Hunt Area 12-2.** That portion of Unit 12 within the Crooked Fork Creek drainage and north of White Sand Creek upstream to and including the Storm Creek drainage. (3-15-02)~~
- ~~26. **Hunt Area 12-3.** That portion of Unit 12 south of the Lochsa River from and including the Old Man Creek drainage upstream to and including the Mocus Creek drainage. (3-15-02)~~
- ~~27. **Hunt Area 12-4.** That portion of Unit 12 south of the Lochsa River from, but excluding, the Mocus Creek drainage, upstream to and including the Cliff Creek drainage. (3-15-02)~~
- ~~28. **Hunt Area 12-5.** That portion of Unit 12 within the Walton Creek drainage, that portion on the south side of White Sand Creek upstream to the mouth of Storm Creek, and all of White Sand Creek drainage upstream from, but excluding, the Storm Creek drainage. (3-15-02)~~
- ~~29. **Hunt Area 12-6.** That portion of Unit 12 north of the Middle Fork of the Clearwater River from the Smith Creek Road (Forest Service Road 101) upstream to the mouth of the Lochsa River; that portion on the north side of the Lochsa River upstream to, but excluding, the Lost Creek drainage, and that portion on the south side of the Lochsa River from its mouth upstream to, but excluding, the Old Man Creek drainage. (3-15-02)~~
- ~~30. **Hunt Area 14-1.** That portion of Unit 14 north and west of the following boundary: Beginning on the Unit 14 west boundary on the Slate Creek Road (Forest Service Road 354), then east on the Slate Creek Road to Forest Service Road 221, then north on Forest Service Road 221 to the Unit 14 east boundary. (4-5-00)~~
- ~~31. **Hunt Area 14-2.** That portion of Unit 14 south of the following: Beginning on the Unit 14 west boundary on the Slate Creek Road (Forest Service Road 354), then east on the Slate Creek Road to Forest Service Road 221, then north on Forest Service Road 221 to the Unit 14 east boundary. (4-5-00)~~
- ~~32. **Hunt Area 15-1.** That portion of Unit 15 north of the South Fork of the Clearwater River from and including the American River drainage downstream to and including the Newsome Creek drainage. (3-15-02)~~
- ~~33. **Hunt Area 15-2.** That portion of Unit 15 South of the South Fork of the Clearwater River downstream from and including the Crooked River drainage upstream to and including the Red River drainage. (3-15-02)~~
- ~~34. **Hunt Area 15-3.** That portion of Unit 15 on the south and west sides of the South Fork of the Clearwater River downstream from, but excluding, the Crooked River drainage. (4-3-95)~~
- ~~35. **Hunt Area 15-4.** That portion of Unit 15 north and east of the South Fork of the~~

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION Taking of Big Game Animals in the State of Idaho

Docket No. 13-0108-0701
PENDING RULE

Clearwater River from and including the Sally Ann Creek drainage upstream to and including the Leggett Creek drainage. (3-15-02)

36. ~~Hunt Area 16-1.~~ That portion of Unit 16 north and west of the Hamby Creek Road (Forest Service Road 651), and that portion south and west of the Selway River from its mouth upstream to the Hamby Creek Road. (4-3-95)

37. ~~Hunt Area 16-2.~~ That portion of Unit 16 south and east of Hamby Creek Road (Forest Service Road 651), and that portion north and east of the Selway River from its mouth upstream to Fog Mountain Road (Forest Service Road 319). (4-3-95)

38. ~~Hunt Area 16A-1.~~ That portion of Unit 16A north and west of the following boundary: Beginning at Anderson Butte, then east along the Drive Ridge Trail (Forest Service Trail 809) to the Meadow Creek Trail (Forest Service Trail 726), then east along the Meadow Creek Trail to the Disgrace Butte Vermilion Peak Trail (Forest Service Trail 609), then northeast along the Disgrace Butte Vermilion Peak Trail to the Buck Lake Creek Drake Creek Trail (Forest Service Trail 628), then northeast along the Buck Lake Creek Drake Creek Trail to the Unit 16A boundary at Drake Saddle. (4-3-95)

39. ~~Hunt Area 16A-2.~~ That portion of Unit 16A south and east of the following boundary: Beginning at Anderson Butte, then east along the Drive Ridge Trail (Forest Service Trail 809) to the Meadow Creek Trail (Forest Service Trail 726), then east along the Meadow Creek Trail to the Disgrace Butte Vermilion Peak Trail (Forest Service Trail 609), then northeast along the Disgrace Butte Vermilion Peak Trail to the Buck Lake Creek Drake Creek Trail (Forest Service Trail 628), then northeast along the Buck Lake Creek Drake Creek Trail to the Unit 16A boundary at Drake Saddle. (4-3-95)

40. ~~Hunt Area 17-1.~~ That portion of Unit 17 north of the Selway River from Fog Mountain Road (Forest Service Road 319) upstream to and including the west side of the Moose Creek drainage, the North Fork Moose Creek drainage, and the north side of the East Fork Moose Creek drainage upstream to, but excluding, Cedar Creek. (3-15-02)

41. ~~Hunt Area 17-2.~~ That portion of Unit 17 east of the Selway River from the mouth of Moose Creek upstream to and including the Bear Creek drainage, and that portion on the east side of the Moose Creek and East Fork Moose Creek drainages from the mouth of Moose Creek upstream to and including the Cedar Creek drainage. (3-15-02)

42. ~~Hunt Area 17-3.~~ That portion of Unit 17 south and west of the Selway River from and including the Mink Creek drainage upstream to and including the Goat Creek drainage. (3-15-02)

43. ~~Hunt Area 17-4.~~ That portion of Unit 17 west of the Selway River from, but excluding the Goat Creek drainage, upstream to Forest Service Road 468. (3-15-02)

44. ~~Hunt Area 17-5.~~ That portion of Unit 17 east of the Selway River upstream from, but excluding the Bear Creek drainage to Forest Service Road 468; all of the Selway River drainage south of Forest Service Road 468. (3-15-02)

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION Taking of Big Game Animals in the State of Idaho

Docket No. 13-0108-0701
PENDING RULE

45. ~~Hunt Area 19-1.~~ That portion of Unit 19 outside the Gospel Hump Wilderness boundary. (4-3-95)
46. ~~Hunt Area 19-2.~~ That portion of Unit 19 within the Gospel Hump Wilderness boundary. (4-3-95)
47. ~~Hunt Area 19A.~~ All of Unit 19A. (4-5-00)
48. ~~Hunt Area 20-1.~~ That portion of Unit 20 within South Fork of Red River, the Big Mallard Creek and Little Mallard Creek drainages and the Salmon River drainage from the Big Mallard drainage to but EXCLUDING the Bargamin Creek drainage. (4-3-95)
49. ~~Hunt Area 20-2.~~ That portion of Unit 20 within the Bargamin Creek drainage, and that portion on the north side of the Salmon River to, but excluding, the Sabe Creek drainage. (4-3-95)
50. ~~Hunt Area 20-3.~~ That portion of Unit 20 within the Sabe Creek drainage. (4-3-95)
51. ~~Hunt Area 20-4.~~ That portion of Unit 20 from the Mackay Bar Road (Forest Service Road 222) upstream to and including the Elkhorn Creek drainage. (4-3-95)
52. ~~Hunt Area 20A-1.~~ That portion of Unit 20A east of the following Forest Service trails: Beginning at the Salmon River on Forest Service Trail 039, then south on Trail 039 to Forest Service Trail 038, then south on Trail 038 to Forest Service Trail 002, then south on Trail 002 to the south boundary of Unit 20A. (4-3-95)
53. ~~Hunt Area 20A-2.~~ That portion of Unit 20A within the following boundary: Beginning at the Salmon River on Forest Service Trail 033, then south on Trail 033 to Forest Service Trail 007, then southwest on Trail 007 to the south boundary of Unit 20A, then east on the Unit 20A boundary to Forest Service Trail 002 to Forest Service Trail 038, then northeast on Trail 038 to Forest Service Trail 039, then northeast on Trail 039 to the Salmon River, then northwest on the unit boundary to Forest Service Trail 033, the point of beginning. (4-3-95)
54. ~~Hunt Area 20A-3.~~ That portion of Unit 20A north and west of the following Forest Service trails: Beginning at the Salmon River on Forest Service trail 033, then southwest on Trail 033 to Forest Service Trail 007, then southwest on Trail 007 to the south boundary of Unit 20A. (4-3-95)
55. ~~Hunt Area 21.~~ All of Units 21 and 21A. (4-3-95)
56. ~~Hunt Area 25.~~ All of Unit 25. (4-5-00)
57. ~~Hunt Area 26.~~ That portion of Unit 26 on the north side of Big Creek downstream from, but excluding, the Smith Creek drainage, and the south side of Big Creek downstream from and including the Little Marble Creek drainage. (7-1-98)
58. ~~Hunt Area 29.~~ All of Units 29, 30, 30A, and 37A. (3-15-02)

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION Taking of Big Game Animals in the State of Idaho

Docket No. 13-0108-0701
PENDING RULE

- ~~59. **Hunt Area 44.** That portion of Unit 44 east of the Fairfield-Couch Summit-Five Points Road, and all of Units 48 and 49. (3-15-02)~~
- ~~60. **Hunt Area 50.** All of Unit 50. (4-3-95)~~
- ~~61. **Hunt Area 51.** All of Unit 51. (4-5-00)~~
- ~~62. **Hunt Area 56.** All of Units 56, 73, and 73A. (4-5-00)~~
- ~~63. **Hunt Area 59.** All of Units 59 and 59A. (4-3-95)~~
- ~~64. **Hunt Area 60.** All of Unit 60. (4-3-95)~~
- ~~65. **Hunt Area 60A.** That portion of Unit 60A south and east of the North Fork (Henrys Fork) of the Snake River, and that portion within one (1) mile north and west of the North Fork of the Snake River. (3-15-02)~~
- ~~66. **Hunt Area 61-1.** That portion of Unit 61 west of East Dry Creek and Yale-Kilgore Roads. (4-3-95)~~
- ~~67. **Hunt Area 61-2.** That portion of Unit 61 east of East Dry Creek and Yale-Kilgore Roads and west of U.S. 191-20 and south and west of State Highway 87. (4-3-95)~~
- ~~68. **Hunt Area 61-3.** That portion of Unit 61 north of State Highway 87 and that portion east of U.S. Highway 191-20 EXCEPT that portion enclosed by the Big Springs Loop Road and U.S. Highway 191-20. (4-3-95)~~
- ~~69. **Hunt Area 62.** All of Unit 62. (4-3-95)~~
- ~~70. **Hunt Area 62A.** All of Unit 62A. (4-3-95)~~
- ~~71. **Hunt Area 63A.** All of Units 63 and 63A. (3-15-02)~~
- ~~72. **Hunt Area 64.** All of Unit 64. (3-15-02)~~
- ~~73. **Hunt Area 65.** All of Unit 65. (4-3-95)~~
- ~~74. **Hunt Area 66-1.** That portion of Unit 66 north of main Bear Creek EXCEPT the Pritchard and Garden Creek drainages. (4-3-95)~~
- ~~75. **Hunt Area 66-2.** That portion of Unit 66 south of main Bear Creek. (4-3-95)~~
- ~~76. **Hunt Area 66-3.** All of Units 66 and 69. (4-5-00)~~
- ~~77. **Hunt Area 66A.** All of Unit 66A. (3-15-02)~~
- ~~78. **Hunt Area 67-1.** That portion of Unit 67 north and west of State Highway 31.~~

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION Taking of Big Game Animals in the State of Idaho

Docket No. 13-0108-0701
PENDING RULE

(4-3-95)

79. ~~Hunt Area 67-2.~~ That portion of Unit 67 south and east of State Highway 31. (4-3-95)
80. ~~Hunt Area 69-1.~~ That portion of Unit 69 west of the Grays Lake Long Valley-Bone-Iona Road. (4-3-95)
81. ~~Hunt Area 69-2.~~ That portion of Unit 69 east of the Grays Lake Long Valley-Bone-Iona Road EXCEPT the Antelope and Granite Creek drainages. (4-3-95)
82. ~~Hunt Area 69-3.~~ That portion of Unit 69 within the Antelope and Granite Creek drainages, and that portion of Unit 66 within the Pritchard and Garden Creek drainages. (4-3-95)
83. ~~Hunt Area 70.~~ All of Unit 70. (4-3-95)
84. ~~Hunt Area 71-1.~~ That portion of Unit 71 located in Bannock and Bingham counties. (4-3-95)
85. ~~Hunt Area 71-2.~~ That portion of Unit 71 located in Caribou County. (4-3-95)
86. ~~Hunt Area 72.~~ All of Unit 72. (4-3-95)
87. ~~Hunt Area 74.~~ All of Unit 74. (4-3-95)
88. ~~Hunt Area 75.~~ All of Unit 75. (3-15-02)
89. ~~Hunt Area 76-1.~~ That portion of Unit 76 within the following boundary: Beginning at Soda Springs on State Highway 34, then northeast to the Lanes Creek Road at Wayan, then south along the Lanes Creek Diamond Creek Road to Timber Creek Road, then northeast along Timber Creek Smoky Canyon Stump Creek Road to the Idaho-Wyoming state line, then south along the state line to the Crow Creek Road, then southwest along Crow Creek Wells Canyon Georgetown Canyon Road to U.S. 30, then north along U.S. 30 to Soda Springs, the point of beginning. (3-15-02)
90. ~~Hunt Area 76-2.~~ That portion of Unit 76 south of the Georgetown Wells Canyon-Crow Creek Road. (3-15-02)
91. ~~Hunt Area 76-3.~~ That portion of Unit 76 north and east of the following boundary: Beginning at the Idaho-Wyoming state line, then west along the Stump Creek Smoky Canyon Timber Creek Road to the Diamond Creek Road, then north along the Diamond Creek Lanes Creek Road to State Highway 34 at Wayan. (3-15-02)
92. ~~Hunt Area 77.~~ All of Unit 77. (4-3-95)
93. ~~Hunt Area 78.~~ All of Unit 78. (4-3-95)

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION Taking of Big Game Animals in the State of Idaho

Docket No. 13-0108-0701
PENDING RULE

703. CONTROLLED HUNT AREA DESCRIPTIONS -- ANTELOPE.

Pursuant to Section 36-105(3), Idaho Code, the Commission now sets seasons by proclamation. The proclamation is published in a brochure available at Department offices and license vendors.

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- ~~01. Hunt Area 29.~~ All of Unit 29 except the Poison Creek drainage. (3-30-07)
- ~~02. Hunt Area 30.~~ All of Unit 30 and that portion of Unit 21A south and east of Carmen Creek Road. (3-30-07)
- ~~03. Hunt Area 30A.~~ All of Unit 30A. (7-1-98)
- ~~04. Hunt Area 32.~~ All of Units 32 and 32A (3-30-01)
- ~~05. Hunt Area 36B.~~ All of Unit 36B, and that portion of Unit 28 upstream from and including the Iron Creek drainage. (3-15-02)
- ~~06. Hunt Area 37.~~ All of Unit 37 and 37A, and that part of Unit 29 in the Poison Creek drainage. (3-30-07)
- ~~07. Hunt Area 39.~~ That portion of Unit 39 south and east of Highway 21. (3-30-07)
- ~~08. Hunt Area 40.~~ All of Unit 40. (10-26-94)
- ~~09. Hunt Area 41.~~ That portion of Unit 41 east of State Highway 51. (10-26-94)
- ~~10. Hunt Area 42.~~ That portion of Unit 41 west of State Highway 51 and all of Unit 42. (10-26-94)
- ~~11. Hunt Area 44.~~ All of Unit 44 and that portion of Unit 45 within the Camas Creek drainage. (10-26-94)
- ~~12. Hunt Area 45-1.~~ All of Unit 45 EXCLUDING that portion within the Camas Creek drainage. (3-30-07)
- ~~13. Hunt Area 45-2.~~ Private land within Unit 45 EXCLUDING that portion within the Camas Creek drainage. (3-30-07)
- ~~14. Hunt Area 46-1.~~ All of Unit 46. (3-30-07)
- ~~15. Hunt Area 46-2.~~ Private land within Units 46 and 54 and private land within that portion of Unit 47 east of Salmon Falls Creek. (3-30-07)
- ~~16. Hunt Area 47.~~ All of Unit 47. (10-26-94)
- ~~17. Hunt Area 49.~~ All of Unit 49. (3-30-07)
- ~~18. Hunt Area 50.~~ All of Unit 50. (See Craters of the Moon closure.) (3-30-07)

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION Taking of Big Game Animals in the State of Idaho

Docket No. 13-0108-0701
PENDING RULE

- ~~19. Hunt Area 51. All of Unit 51 and that portion of Unit 63 within Butte County.~~ (3-30-07)
- ~~20. Hunt Area 52. All of Units 48 and 52.~~ (3-30-07)
- ~~21. Hunt Area 52A. All of Units 52A and 53. (See Craters of the Moon closure.)~~ (3-30-07)
- ~~22. Hunt Area 54. All of Unit 54.~~ (3-13-96)
- ~~23. Hunt Area 58. All of Unit 58.~~ (3-30-07)
- ~~24. Hunt Area 59. All of Units 59 and 59A.~~ (3-20-96)
- ~~25. Hunt Area 60A. All of Units 60 and 60A, and that portion of Unit 61 west of Hotel Creek.~~ (3-20-96)
- ~~26. Hunt Area 61. That portion of Unit 61 east of Hotel Creek.~~ (10-26-94)
- ~~27. Hunt Area 63-1. That portion of Unit 63 south of State Highway 33.~~ (3-30-07)
- ~~28. Hunt Area 63-2. That portion of Unit 63 north of State Highway 33, EXCLUDING the Camas National Wildlife Refuge which is CLOSED.~~ (3-30-07)
- ~~29. Hunt Area 68. All of Unit 68.~~ (10-26-94)

704. CONTROLLED HUNT AREA DESCRIPTIONS -- ROCKY MOUNTAIN BIGHORN SHEEP.

Pursuant to Section 36-105(3), Idaho Code, the Commission now sets seasons by proclamation. The proclamation is published in a brochure available at Department offices and license vendors.

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~~01. Hunt Area 11. That portion of Unit 11 that drains into the Snake River downstream from, but excluding, the Corral Creek drainage to, but excluding, the Tenmile Creek Canyon drainage.~~ (3-15-02)

~~02. Hunt Area 19. Those portions of Units 14, 19 and 20 from the Red River Ranger Station White River Ranch Road (Forest Service Road 421) downstream to and including the Wind River drainage.~~ (3-15-02)

~~03. Hunt Area 20-1. That portion of Unit 20 upstream from Sabe Creek, that portion of Unit 21 downstream from the Horse Creek Trail (Forest Service Trail 159) and Reynolds Creek Trail (Forest Service Trail 067) and that portion of Unit 17 upstream from the Witter Ridge Trail (Forest Service Trail 75) and the Thompson Flat Wood Hump Surprise Creek Trail (Forest Service Trail 031).~~ (7-1-98)

~~04. Hunt Area 20-2. That portion of Unit 20 downstream from the Nez Perce-~~

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION Taking of Big Game Animals in the State of Idaho

Docket No. 13-0108-0701
PENDING RULE

~~Bitterroot Forest boundary along Sabe Creek to the Red River Ranger Station White Water Ranch Road. (7-1-98)~~

~~05. **Hunt Area 20A.** Those portions of Unit 20A upstream from and including the Butts Creek drainage to the Middle Fork of the Salmon River, and within the Middle Fork of the Salmon River drainage upstream to Papoose Creek Papoose Lake Coyote Springs. (7-1-98)~~

~~06. **Hunt Area 21.** That portion of Unit 21 downstream from the Spring Creek Road (Forest Service Road 038) to the Horse Creek Trail (Forest Service Trail 159) and Reynolds Creek Trail (Forest Service Trail 067). (7-1-98)~~

~~07. **Hunt Area 26.** All of Unit 26 and that portion of Unit 20A within the Middle Fork of the Salmon River drainage upstream from Papoose Creek Papoose Lake Coyote Springs and that portion of Unit 27 on the west side of the Middle Fork of the Salmon River from Big Creek upstream to and including the Brush Creek drainage. (7-1-98)~~

~~08. **Hunt Area 27-1.** That portion of Unit 27 west of the Middle Fork of the Salmon River upstream from but excluding the Brush Creek drainage to and including the Indian Creek drainage. (7-1-98)~~

~~09. **Hunt Area 27-2.** That portion of Unit 27 east of the Middle Fork of the Salmon River upstream from its mouth to the Waterfall Creek Trail (Forest Service Trail 045). (7-1-98)~~

~~10. **Hunt Area 27-3.** That portion of Unit 27 east of the Middle Fork of the Salmon River upstream from the Waterfall Creek Trail (Forest Service Trail 045) to and including the Camas Creek drainage on the north side of Camas Creek, and that portion of Unit 28 within the Camas Creek drainage north of Camas Creek and west of the Silver Creek Meyers Cove Road (Forest Service Road 108). (7-1-98)~~

~~11. **Hunt Area 27-4.** That portion of Unit 27 within the Loon Creek drainage; that portion of Unit 27 east of the Middle Fork of the Salmon River, south of Camas Creek, and northwest of Fly Creek Trail (Forest Service Trail 124), that portion of Unit 36 within the Yankee Fork drainage. (3-15-02)~~

~~12. **Hunt Area 28.** That portion of Unit 28 within the Pine Creek and Panther Creek drainages, and the south side of the main Salmon River from Pine Creek downstream to, but excluding, the Middle Fork of the Salmon River drainage. (4-5-00)~~

~~13. **Hunt Area 30.** All of Units 30 and 30A. (3-15-02)~~

~~14. **Hunt Area 36B.** All of Unit 36B; that portion of Unit 28 south of and including the Hat Creek drainage; that portion of Unit 28 west of the Panther Creek Road and south of the Silver Creek Meyers Cove Road; and that portion of Unit 27 southeast of Fly Creek Trail (Forest Service Trail 124) and northeast of the Sleeping Deer Road (Forest Service Road 086). (3-15-02)~~

~~15. **Hunt Area 37.** All of Unit 37. That portion of Unit 50 east of U.S. Highway 93 and that portion of Unit 51 west of the Howe-Goldburg Road. (7-1-98)~~

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION Taking of Big Game Animals in the State of Idaho

Docket No. 13-0108-0701
PENDING RULE

705. CONTROLLED HUNT AREA DESCRIPTIONS -- MOUNTAIN GOAT.

Pursuant to Section 36-105(3), Idaho Code, the Commission now sets seasons by proclamation. The proclamation is published in a brochure available at Department offices and license vendors.

()

- ~~01. Hunt Area 10-1. That portion of Unit 10 within the Isabella Creek drainage.~~
(4-3-95)
- ~~02. Hunt Area 10-2. That portion of Unit 10 within the Collins Creek drainage.~~
(4-3-95)
- ~~03. Hunt Area 18. Those portions of Units 18 and 22 within the Snake River drainage from and including Brush Creek drainage downstream to and including the Sheep Creek drainage, and that portion of Unit 23 within the Rapid River drainage.~~
(7-1-98)
- ~~04. Hunt Area 27-1. That portion of Unit 27 south of Forest Service Road 172 from Loon Creek summit to Loon Creek guard station, Pinyon Peak, and Feltman Creek Point, and that portion of Unit 36 from Forest Service Road 172 west to the Pioneer Creek West Fork Yankee Fork Trail (Forest Service Trail 113-155.)~~
(3-15-02)
- ~~05. Hunt Area 27-2. That portion of Unit 27 east of the Middle Fork of the Salmon River, south of Camas Creek, northwest of Fly Creek Trail (Forest Service Trail 124) and Mahoney Creek Trail (Forest Service Trail 121), north of Warm Springs Creek and north of Loon Creek.~~
(3-15-02)
- ~~06. Hunt Area 27-3. That portion of Unit 27 east of the Middle Fork of the Salmon River and north of Camas Creek to the Waterfall Creek Trail (Forest Service Trail 045) and that portion of Unit 28 within the Yellowjacket Creek drainage.~~
(3-15-02)
- ~~07. Hunt Area 30. Those portions of Units 21A and 30 south of and including the Freeman Creek drainage to the Agency Creek Lemhi Pass Road.~~
(4-3-95)
- ~~08. Hunt Area 36A-1. That portion of Unit 50 north of Trail Creek Road and west of U.S. 93, and that portion of Unit 36A south and east of the East Fork of the Salmon River from and including the Herd Creek drainage upstream to and including the West Pass Creek drainage.~~
(3-15-02)
- ~~09. Hunt Area 36A-2. That portion of Unit 36A, including all headwaters of the East Fork of the Salmon River upstream from, but excluding, the Germania Creek drainage on the west and upstream from, but excluding, the West Pass Creek drainage on the east.~~
(4-3-95)
- ~~10. Hunt Area 36A-3. That portion of Unit 36A, north and west of the East Fork of the Salmon River downstream from, but excluding, the Germania Creek drainage, and that portion of Unit 36 on the south and east sides of the main Salmon River downstream from, but excluding, the Fourth of July Creek drainage above Stanley.~~
(4-3-95)
- ~~11. Hunt Area 36A-4. That portion of Unit 36A within the Germania Creek drainage, and that portion of Unit 36 within the Salmon River drainage east of State Highway 75 from and~~

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION Taking of Big Game Animals in the State of Idaho

Docket No. 13-0108-0701
PENDING RULE

~~including the Fourth of July Creek drainage upstream to and including the Pole Creek drainage.~~
(4-3-95)

~~12. **Hunt Area 36B.** That portion of Unit 36B south of and including the Challis Creek drainage; that portion of Unit 36 east of the Yankee Fork Mill Creek Summit Road.~~ (4-3-95)

~~13. **Hunt Area 48.** That portion of Unit 48 north and east of State Highway 75 and that portion south and west of State Highway 75 upstream from and including the Baker Creek drainage.~~ (4-3-95)

~~14. **Hunt Area 50.** All of Unit 49 and that portion of Unit 50 south and east of the Trail Creek Road and south and west of U.S. Highway 93.~~ (3-15-02)

~~15. **Hunt Area 51.** That portion of Unit 29 south of and excluding the Big Timber Creek drainage, that portion of Unit 51 east of the Howe-Goldburg Road and that portion of Unit 58 west of State Highway 28.~~ (4-3-95)

~~16. **Hunt Area 59A.** All of Unit 59A and that portion of Unit 58 east of State Highway 28.~~ (7-1-98)

~~17. **Hunt Area 67.** All of Unit 67.~~ (3-15-02)

706. CONTROLLED HUNT AREA DESCRIPTIONS -- CALIFORNIA BIGHORN SHEEP.

Pursuant to Section 36-105(3), Idaho Code, the Commission now sets seasons by proclamation. The proclamation is published in a brochure available at Department offices and license vendors.
()

~~01. **Hunt Area 41.** That portion of Unit 41 within the Big Jack Creek drainage.~~ (3-15-02)

~~02. **Hunt Areas 42-1, and 42-2.** All of Unit 42 and that portion of Unit 41 within the East Fork and South Fork of the Owyhee River drainages outside the Duck Valley Indian Reservation boundary.~~ (3-15-02)

707. CONTROLLED HUNT AREA DESCRIPTIONS - BLACK BEAR.

Pursuant to Section 36-105(3), Idaho Code, the Commission now sets seasons by proclamation. The proclamation is published in a brochure available at Department offices and license vendors.
()

~~01. **Hunt Area 1.** That portion of Unit 1 within the Priest River drainage, south of and including the Lamb Creek drainage to the west of Priest Lake, and south of and including the Soldier Creek drainage to the east of Priest Lake.~~ (10-26-94)

~~02. **Hunt Areas 22-1 and 22-2.** All of Units 22 and 31.~~ (10-26-94)

~~03. **Hunt Areas 32-1 and 32-2.** All of Units 32 and 32A.~~ (10-26-94)

HOUSE RESOURCE & CONSERVATION COMMITTEE

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.09 - RULES GOVERNING THE TAKING OF GAME BIRDS IN THE STATE OF IDAHO

DOCKET NO. 13-0109-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104(b) and 36-1101, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

Increase the number and type of turkey tags available. Allow Department sponsored youth waterfowl hunts at the Hagerman Wildlife Management Area. Amend references to the WMA pheasant permit to the WMA Upland Game Bird Permit to be consistent with statutory amendment (S 1010). Delete obsolete hunting area descriptions for Chukar Partridge, Gray Partridge, and Quail.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 288 through 295.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Tom Hemker (208) 287-2749 and Don Kemner (208) 287-2748.

DATED this 13th day of November, 2007.

W. Dallas Burkhalter, Deputy Attorney General
Natural Resources Division/Fish and Game
600 S. Walnut / P.O. Box 25, Boise, Idaho 83707

HOUSE RESOURCE & CONSERVATION COMMITTEE

IDAHO FISH AND GAME COMMISSION
Rules Governing the Taking of Game Birds

Docket No. 13-0109-0701
PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is May 17, 2007.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 36-104(b) and 36-1101, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Increase the number and type of turkey tags available. Allow Department sponsored youth waterfowl hunts at the Hagerman Wildlife Management Area. Amend references to the WMA pheasant permit to the WMA Upland Game Bird Permit to be consistent with statutory amendment (S 1010). Delete obsolete hunting area descriptions for Chukar Partridge, Gray Partridge, and Quail.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: The temporary rule confers a benefit to outfitters and hunters.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the need to comply with statutory amendments and the need to comply with printing schedules for the 2007 hunting seasons.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed

HOUSE RESOURCE & CONSERVATION COMMITTEE

IDAHO FISH AND GAME COMMISSION Rules Governing the Taking of Game Birds

Docket No. 13-0109-0701
PENDING RULE

rule, contact Tom Hemker (208) 287-2749 and Don Kemner (208) 287-2748.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 21st day of August, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

100. TAGS, STAMPS, PERMITS, AND VALIDATIONS.

01. Sage Grouse or Sharp-Tailed Grouse. No person shall hunt sage or sharp-tailed grouse anywhere within the state, except licensed shooting preserves, without having in his or her possession the appropriate hunting license that has been validated for sage grouse. The validation shall be valid from January 1 through December 31 of each year. (3-30-01)

02. Migratory Game Birds. No person shall hunt ducks, geese, brant, coots, common snipe, sandhill cranes, or mourning doves anywhere within the state, without having in his or her possession the appropriate hunting license that has been validated for the Federal Migratory Game Bird Harvest Information Program. The validation shall be valid from January 1 through December 31 of each year. (7-1-98)

03. Wild Turkey. No person shall hunt wild turkey without having in his or her possession the appropriate hunting license, tag, and controlled hunt permit. Persons obtaining and using tags, stamps, and permits must comply with the following requirements: (7-1-98)

a. There are four (4) turkey tags available each calendar year. These are the ~~spring~~ general tag, ~~spring-controlled~~ extra tag, ~~late-spring/fall-general~~ controlled depredation tag, and ~~fall-controlled~~ special unit tag. Only three (3) turkey tags of the following may be purchased each year: general, extra, and controlled depredation. In addition to the previously mentioned three (3) turkey tags, three (3) special unit tags may also be purchased. A hunter may not obtain both a spring general and a spring controlled turkey tag during the spring. ~~(5-3-03)~~(____)

b. Permits for Controlled Hunts: Any person who receives a controlled hunt permit for wild turkey is prohibited from using that permit/tag to hunt in any other wild turkey hunt. (4-5-00)

c. Nonresident permit limitations: On controlled hunts with ten (10) or fewer permits, not more than one (1) permit will be issued to nonresidents. On controlled hunts with more than ten (10) permits, not more than ten percent (10%) of the permits may be issued to nonresidents. (7-1-98)

HOUSE RESOURCE & CONSERVATION COMMITTEE

IDAHO FISH AND GAME COMMISSION Rules Governing the Taking of Game Birds

**Docket No. 13-0109-0701
PENDING RULE**

d. Eligibility: The holders of valid hunting licenses are eligible to apply for controlled hunts subject to the following restrictions: (7-1-93)

i. Holders of a Type 208 Nongame Hunting License may not apply for any controlled hunt. (7-1-93)

ii In the event a permit is issued based on erroneous information, the permit will be invalidated and the person will remain on the drawn list. (7-1-93)

e. Applications: Applications for controlled hunts shall be made on a form prescribed by the Department and must be received at the Headquarters Office of the Idaho Department of Fish and Game or postmarked not later than February 15, annually. Applications must comply with the following requirements: (2-7-95)

i. Holders of a Duplicate License (Type 501) must use their original license number to apply for a controlled hunt. Duplicate license numbers will not be accepted. (7-1-93)

ii Only one (1) application card per person or group will be accepted. Additional application cards will result in all applicants being declared ineligible. (7-1-93)

iii. Fees: All applicants for controlled hunts must submit a non-refundable application fee with their application; one dollar (\$1) of this fee may be donated to the Citizens Against Poaching Program. If you are successful, you will be issued a permit that entitles you to purchase the appropriate controlled hunt tag, beginning April 1, at any license vendor or Fish and Game office by presenting your hunting license and controlled hunt permit. (7-1-98)

iv. A single payment (either cashier's check, money order, certified check, or personal check) may be submitted to cover fees for all applications in the same envelope. If a check or money order is insufficient to cover the fees, all applications will be voided and returned. (2-7-95)

v. A "group application" is defined as two (2) hunters applying for the same controlled hunt on the same application. (2-7-95)

vi. Hunting license and tag fees will NOT be refunded to unsuccessful applicants. (7-1-93)

vii. All spring wild turkey hunters may apply for a Fall turkey controlled hunt permit during the same calendar year. (3-30-01)

f. Drawing information: Single or group applications which are not drawn for the first choice hunt will automatically be entered into a second choice drawing provided the second choice hunt applied for has not been filled. (7-1-93)

g. Tag validation and attachment: Immediately after any wild turkey is killed, the turkey tag must be validated and securely attached to the wild turkey. (7-1-93)

h. To validate the tag, the hunter must cut out and completely remove two (2)

HOUSE RESOURCE & CONSERVATION COMMITTEE

IDAHO FISH AND GAME COMMISSION Rules Governing the Taking of Game Birds

**Docket No. 13-0109-0701
PENDING RULE**

triangles on the border of the tag, one (1) for the month and one (1) for the day of the kill.

(7-1-93)

- i. The tag must remain attached so long as the turkey is in transit or storage. (7-1-93)

04. Early September Canada Goose Hunts. (7-1-98)

a. Controlled Hunts: No person shall hunt Canada geese during controlled, early September seasons (September 1-15) without having in his or her possession the appropriate hunting license and controlled hunt permit. Persons obtaining and using controlled hunt permits must comply with the following requirements: (7-1-98)

i. Applications: Applications for controlled hunts shall be made on a form prescribed by the Department and must be received at the Headquarters Office of the Idaho Department of Fish and Game or postmarked not later than July 15, annually. Applications must comply with the following requirements: (4-5-00)

ii. Fees: All applicants for controlled hunts must submit a nonrefundable application fee with their application; one dollar (\$1) of this fee may be donated to the Citizens Against Poaching Program. Successful applicants will be issued a permit that entitles them to hunt. The Federal Migratory Bird Stamp is required by any person seventeen (17) years of age and older, respectively (Title 50 Code of Federal Regulations, Part 20). (3-30-01)

iii. The following rules previously established for wild turkey also apply to early September Canada goose hunts: Subsections 100.03.b., 100.03.c., 100.03.d., 100.03.e.ii., 100.03.e.iv. through 100.03.e.vi., and 100.03.f. (3-30-01)

iv. Any controlled hunt permits for Canada geese that remain unsold after the controlled hunt drawing may be sold by the Department on a first-come, first-served basis.

(7-1-98)

(BREAK IN CONTINUITY OF SECTIONS)

400. AREAS CLOSED TO HUNTING OF GAME BIRDS.

01. General. Hunting, killing, or molesting of any game bird is prohibited in the following areas: (7-1-93)

a. That area of Craters of the Moon National Monument in Blaine and Butte Counties prior to the November 2000 expansion of the Monument by Presidential decree. It is the hunter's responsibility to check with the Park Service to be able to identify the closed area. (4-6-05)

b. Hagerman Fossil Beds National Monument in Twin Falls County, EXCEPT that portion within an area fifty (50) feet in elevation above the high water level of the Snake River (the upslope area is marked by yellow fiberglass markers, and hunting is permitted downslope to

HOUSE RESOURCE & CONSERVATION COMMITTEE

IDAHO FISH AND GAME COMMISSION Rules Governing the Taking of Game Birds

Docket No. 13-0109-0701
PENDING RULE

the river). (3-20-97)

c. Harriman State Park Wildlife Refuge in Fremont County. (7-1-93)

d. Nez Perce National Historical Park in Clearwater, Idaho, and Nez Perce Counties. (7-1-93)

e. That portion of Ada County within Veterans Memorial Park and the area between State Highway 21, Warm Springs Avenue and the Boise City limits. (5-3-03)

f. Yellowstone National Park in Fremont County. (7-1-93)

g. Fort Boise Wildlife Management Area (WMA) in Canyon County from September 15 through the end of the waterfowl hunting season in the area enclosed by the following boundary: Beginning at the bridge across Sand Hollow Creek on Old Fort Boise Road approximately one hundred (100) yards west of the WMA headquarters, then north along the east bank of Sand Hollow Creek to its confluence with the Snake River, then north and northeast downstream along the east bank of the Snake River to the WMA boundary fence, then south and southeast along the WMA boundary fence to Old Fort Boise Road, then west on Old Fort Boise Road to the point of beginning. (3-20-97)

h. Roswell Marsh Wildlife Habitat Area in Canyon County on Sundays, Mondays, Tuesdays and Wednesdays from September 15 through the end of the waterfowl hunting season in the area south of Highway 18 and west of Pebble Lane (Roswell Marsh segment). (5-3-03)

i. On any of those portions of federal refuges, State game preserves, State wildlife management areas, bird preserves, bird refuges, and bird sanctuaries for which bird hunting closures have been declared by legislative or Commission action EXCEPT as otherwise expressly stated below in Section 410 under Game Preserves Open to Hunting of Game Birds. (7-1-93)

j. Mann's Lake in Nez Perce County and extending three hundred (300) yards beyond the Bureau of Reclamation property that encompasses the lake. (4-6-05)

02. Migratory Game Birds. In addition to the areas listed above, hunting, killing, or molesting of any migratory game bird EXCEPT mourning dove is prohibited in the following areas. Areas CLOSED to hunting of migratory game birds: (7-1-93)

a. Fort Hall Indian Reservation in Bingham, Bannock, and Power Counties within three hundred (300) yards each way of the Fort Hall Bluffs from Bigbend Boat Launch to the west boundary of the Fort Hall Indian Reservation, and within one hundred (100) yards of any improved roadway or inhabited dwelling any place within the reservation boundary. (7-1-93)

b. Hagerman Wildlife Management Area (WMA) in Gooding County in the area enclosed by the following boundary: Beginning at a point two hundred (200) yards west of the point at which U.S. Highway 30 crosses the south bank of Gridley Island, then northwest along a line two hundred (200) yards southwest of and parallel to U.S. Highway 30 to a point two hundred (200) yards west of the junction of U.S. Highway 30 and the WMA entrance, then west and north and east along a line two hundred (200) yards outside of the WMA boundary which is marked by

HOUSE RESOURCE & CONSERVATION COMMITTEE

IDAHO FISH AND GAME COMMISSION Rules Governing the Taking of Game Birds

Docket No. 13-0109-0701
PENDING RULE

a fence, to the point at which the fence meets U.S. Highway 30, then east and south along a line five hundred (500) yards outside of the WMA boundary to the Snake River, then downstream along the north bank of the Snake River and then along the south bank of Gridley Island to the point where U.S. Highway 30 crosses the south bank of Gridley Island, then two hundred (200) yards west of U.S. Highway 30 to the point of beginning. Exception: Department sponsored youth waterfowl hunts. (7-1-93)()

c. Hubbard Reservoir in Ada County including the shoreline area within two hundred (200) yards of the existing water line. (7-1-93)

d. Mann's Lake in Nez Perce County and extending three hundred (300) yards beyond the Bureau of Reclamation property line that encompasses the lake. (3-15-02)

e. Mormon Reservoir in Camas County including the shoreline area within two hundred (200) yards of the ordinary high water line. (7-1-93)

f. Pend Oreille River in Bonner County within two hundred (200) yards each way of the ordinary high water line two thousand sixty-two and one-half (2,062.5) feet above sea level from the U.S. Highway 95 long bridge at Sandpoint downstream to an imaginary line between Springy Point on the south side of the river and Dover Peninsula on the north side of the river. (7-1-93)

g. Spokane River in Kootenai County from the Post Falls Dam to Lake Coeur d'Alene at the orange pilings, within two hundred (200) yards of the ordinary high water line two thousand one hundred twenty-eight (2,128) feet above sea level. (7-1-98)

h. Thompson Lake in Kootenai County in the area enclosed by the following center-of-roadway boundary and in the additional area within one hundred (100) yards of the exterior side of said boundary: Beginning at the junction of State Highway 97 and Thompson Lake Road 317 north of the town of Harrison, then along Thompson Lake Road 317 to the junction of Blue Lake Road 318 east of Thompson Lake, then along Blue Lake Road 318 to the junction of Anderson Lake Road 319 at Springston, then along Anderson Lake Road 319 to the Union Pacific Railroad tracks, then west along the Union Pacific Railroad tracks to the junction of State Highway 97 west of Harrison, then along State Highway 97 to the point of beginning. (7-1-93)

03. Geese. Areas CLOSED to the hunting of geese. In addition to the areas listed in Section 301 and Subsection 301.01 above, the hunting, killing, or molesting of any species of geese is prohibited in the following areas: (7-1-93)

a. Canyon County in the area enclosed by the following roadway boundary and within one hundred fifty (150) feet of the exterior side of said boundary (except that the closure shall extend to one hundred (100) yards from the exterior side of said boundary along that section commencing at the junction of Lake Shore Drive and Rim Road, then south on Rim Road to west Lewis Lane, then east on west Lewis Lane to Lake Shore Drive, then along Lake Shore Drive to Emerald Road): Beginning approximately three fourths (3/4) of a mile south of the City of Nampa at the junction of State Highway 45 (12th Avenue Road) and Greenhurst Road, then west following Greenhurst Road to its junction with Middleton Road, then north following Middleton Road to its junction with Lake Lowell Avenue, then west following Lake Lowell Avenue to its

HOUSE RESOURCE & CONSERVATION COMMITTEE

IDAHO FISH AND GAME COMMISSION Rules Governing the Taking of Game Birds

**Docket No. 13-0109-0701
PENDING RULE**

junction with Lake Avenue, then north following Lake Avenue to its junction with West Roosevelt Avenue, then west following West Roosevelt Avenue to its junction with Indiana Avenue, then north following Indiana Avenue to its junction with State Highway 55 (Karcher Road), then west following State Highway 55 to its junction with Riverside Road, then south following Riverside Road to the Deer Flat National Wildlife Refuge boundary, then west along boundary fence below lower embankment as posted to Lake Shore Drive, then in a southeast direction following Lake Shore Drive to its junction with Marsing Road, then east and south on Lake Shore Drive to Rim Drive, then south on Rim Drive to West Lewis Lane, then east on West Lewis Lane to Lake Shore Drive, then southeast on Lake Shore Drive to State Highway 45, then north on State Highway 45 to its junction with Greenhurst Road, the point of beginning. (7-1-93)

b. Hagerman Valley in Gooding and Twin Falls Counties in the area enclosed by the following boundary: Beginning at the Gridley Island Bridge on the Snake River, then south and east on U.S. Highway 30 to Miracle Hot Springs, then east on Twin Falls County 4800 North Road (River Road) to Banbury Hot Springs, then upstream approximately three hundred (300) yards to the Banbury Pipeline crossing the Snake River, then east across the Snake River at the Banbury Pipeline, continuing due east to a point two hundred (200) yards east of the east rim of the Snake River Canyon, then north along a line parallel to and two hundred (200) yards east of the Snake River Canyon rim to the Gooding County 3500 South Road (Camp Roach Road), then east on the 3500 South Road to the 1500 East Road, then north on the 1500 East Road to the 3200 South Road, then west on the 3200 South Road to the 1300 East Road, then north on the 1300 East Road to the 1200 East Road, then northwest and north on the 1200 East Road to the 3000 South Road, then west on the 3000 South Road to a point (which is five hundred (500) yards east of the intersection of the 3000 South Road and the Hagerman National Fish Hatchery Road) five hundred (500) yards east of the Hagerman Wildlife Management Area (WMA) boundary, then north and west five hundred (500) yards outside the Hagerman WMA boundary to U.S. Highway 30, then west and south two hundred (200) yards outside the Hagerman WMA boundary to the 2900 South Road, then west on the 2900 South Road to the 900 East Road, then due south to a point two hundred (200) yards north of the Snake River, then west and north two hundred (200) yards outside the high water line on the east bank of the Snake River to Lower Salmon Dam, then west across the Snake River, then south, southwest and east two hundred (200) yards outside the high water line on the west bank of the Snake River (including the Idaho Power Upper Salmon Dam diversion canal) to the Gridley Bridge on U.S. Highway 30, the point of beginning. (12-7-94)

c. Minidoka and Cassia Counties in the area enclosed by the following boundary: Within two hundred (200) yards of the high water line of the Snake River from Milner Dam upstream to Meridian Road (north side of the Snake River) and 650 East Road (south side of the Snake River), approximately six and one-half (6 1/2) miles east of the City of Burley. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

600. PHEASANT SEASONS, BAG AND POSSESSION LIMITS.

01. Area 1. Area 1 includes Benewah, Bonner, Boundary, Clearwater, Idaho,

HOUSE RESOURCE & CONSERVATION COMMITTEE

IDAHO FISH AND GAME COMMISSION Rules Governing the Taking of Game Birds

Docket No. 13-0109-0701
PENDING RULE

Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties. Pursuant to Section 36-105(3), Idaho Code, the Commission now sets the seasons, bag limits, and possessions limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (4-6-05)

02. Area 2. Area 2 includes Bannock, Bear Lake, Bingham, Bonneville, Butte, Caribou, Cassia, Clark, Custer, Franklin, Fremont, Jefferson, Lemhi, Madison, Minidoka, Oneida, Power, Twin Falls, and Teton counties. Pursuant to Section 36-105(3), Idaho Code, the Commission now sets the seasons, bag limits, and possessions limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (4-6-05)

03. Area 3. Area 3 includes Ada, Adams, Boise, Blaine, Camas, Canyon, Elmore, Gem, Gooding, Jerome, Lincoln, Owyhee, Payette, Twin Falls, Valley, and Washington Counties (including all islands in the Snake River EXCEPT PATCH AND PORTER ISLANDS). Pursuant to Section 36-105(3), Idaho Code, the Commission now sets the seasons, bag limits, and possessions limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (4-6-05)

04. WMA ~~Pheasant~~ Upland Game Permit. (10-26-94)()

a. Permit Requirement. Any person seventeen (17) years of age or older hunting for or having a pheasant in his or her possession on Fort Boise, C.J. Strike, Montour, Payette River, Sterling, Market Lake, Mud Lake, Cartier, or Niagara Springs Wildlife Management Areas must have a valid WMA Pheasant Permit in his or her possession. (4-6-05)

b. Permit Limit. The WMA ~~Pheasant~~ Upland Game Bird Permit limit is six (6) cocks. Additional permits may be purchased. (5-3-03)()

c. Recording Harvest. Any person harvesting a pheasant on any of the Wildlife Management Areas listed in Subsection 600.04.a. must immediately record their harvest, in writing, on the back of their permit. (4-6-05)

05. Youth Pheasant Season. This season shall be open statewide. (7-1-99)

a. Pursuant to Section 36-105(3), Idaho Code, the Commission now sets the seasons, bag limits, and possessions limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (4-6-05)

b. The Youth Pheasant Season shall be open for all licensed hunters fifteen (15) years of age or younger. All youth hunters must be accompanied by an adult eighteen (18) years or older. One (1) adult may take more than one (1) youth hunter. (5-3-03)

601. CHUKAR PARTRIDGE SEASONS, BAG AND POSSESSION LIMITS.

~~**01. Area 1.** Area 1 includes, Ada, Adams, Benewah, Boise, Bonners, Boundary, Canyon, Clearwater, Gem, Idaho, Kootenai, Latah, Lewis, Nez Perce, Payette, Shoshone, Valley, Washington, Owyhee County west of the following boundary: beginning at the Idaho-Nevada~~

HOUSE RESOURCE & CONSERVATION COMMITTEE

IDAHO FISH AND GAME COMMISSION Rules Governing the Taking of Game Birds

Docket No. 13-0109-0701
PENDING RULE

~~border and the Jarbidge River, then north along the Jarbidge River to its confluence with the Bruneau River, then north along the Bruneau River to Bruneau, then north on State Highway 51 to the Owyhee-Elmore county line. Also included, is that portion of Elmore County west of the following boundary: beginning at State Highway 51 and the Owyhee-Elmore County line, then north on State Highway 51 to Interstate 84, then north on U.S. Highway 20 to the Anderson Ranch Dam Road (Forest Service Road 134), then up the center of Anderson Ranch Reservoir to the confluence of Fall Creek, then up Forest Service Road 129 to its junctions with Forest Service Road 156, then southeast on Forest Service Road 156 to Rocky Bar, then northeast on Forest Service Road 126 to James Creek Summit, then east along the watershed divide between the Middle and South Forks of the Boise River to the intersection with the Elmore-Camas County line. Pursuant to Section 36-105(3), Idaho Code, the Commission now sets the seasons, bag limits, and possessions limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (4-6-05)()~~

~~**02. Area 2.** Area 2 includes, Lemhi County, not including Birch Creek Valley, and Custer County in the Salmon River drainage. Pursuant to Section 36-105(3), Idaho Code, the Commission now sets the seasons, bag limits, and possessions limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (4-6-05)~~

~~**03. Area 3.** Area 3 includes, Fremont, Clark, Lemhi County within Birch Creek Valley, Custer County within the big Lost Valley and the Little Lost Valley, Blaine, Camas, Owyhee County east of the following boundary; beginning at the Idaho-Nevada border and the Jarbidge River, then north along the Jarbidge River to its confluence with the Bruneau River, then north along the Bruneau River to Bruneau, then north on State Highway 51 to the Owyhee-Elmore county line. Also included, is that portion of Elmore County east of the following boundary: beginning at State Highway 51 and the Owyhee-Elmore County line, then north on State Highway 51 to Interstate 84, then north on U.S. Highway 20 to the Anderson Ranch Dam Road (Forest Service Road 134), then up the center of Anderson Ranch Reservoir to the confluence of Fall Creek, then up Forest Service Road 129 to its junctions with Forest Service Road 156, then southeast on Forest Service Road 156 to Rocky Bar, then northeast on Forest Service Road 126 to James Creek Summit, then east along the watershed divide between the Middle and South Forks of the Boise River to the intersection with the Elmore-Camas County line. Pursuant to Section 36-105(3), Idaho Code, the Commission now sets the seasons, bag limits, and possessions limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (4-6-05)~~

602. GRAY PARTRIDGE SEASONS, BAG AND POSSESSION LIMITS.

~~**01. Area 1.** Area 1 includes, Ada, Adams, Benewah, Boise, Bonners, Boundary, Canyon, Clearwater, Gem, Idaho, Kootenai, Latah, Lewis, Nez Perce, Payette, Shoshone, Valley, Washington, Owyhee County west of the following boundary: beginning at the Idaho-Nevada border and the Jarbidge River, then north along the Jarbidge River to its confluence with the Bruneau River, then north along the Bruneau River to Bruneau, then north on State Highway 51 to the Owyhee-Elmore county line. Also included, is that portion of Elmore County west of the following boundary: beginning at State Highway 51 and the Owyhee-Elmore County line, then north on State Highway 51 to Interstate 84, then north on U.S. Highway 20 to the Anderson Ranch Dam Road (Forest Service Road 134), then up the center of Anderson Ranch Reservoir to~~

HOUSE RESOURCE & CONSERVATION COMMITTEE

IDAHO FISH AND GAME COMMISSION Rules Governing the Taking of Game Birds

Docket No. 13-0109-0701
PENDING RULE

~~the confluence of Fall Creek, then up Forest Service Road 129 to its junctions with Forest Service Road 156, then southeast on Forest Service Road 156 to Rocky Bar, then northeast on Forest Service Road 126 to James Creek Summit, then east along the watershed divide between the Middle and South Forks of the Boise River to the intersection with the Elmore-Camas County line.~~ Pursuant to Section 36-105(3), Idaho Code, the Commission now sets the seasons, bag limits, and possessions limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (4-6-05)()

~~02. Area 2. Area 2 includes, Lemhi County, not including Birch Creek Valley, and Custer County in the Salmon River drainage. Pursuant to Section 36-105(3), Idaho Code, the Commission now sets the seasons, bag limits, and possession limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors.~~ (4-6-05)

~~03. Area 3. Area 3 includes, Fremont, Clark, Lemhi County within Birch Creek Valley, Custer County within the big Lost Valley and the Little Lost Valley, Blaine, Camas, Owyhee County east of the following boundary: beginning at the Idaho-Nevada border and the Jarbidge River, then north along the Jarbidge River to its confluence with the Bruneau River, then north along the Bruneau River to Bruneau, then north on State Highway 51 to the Owyhee-Elmore county line. Also included, is that portion of Elmore County east of the following boundary: beginning at State Highway 51 and the Owyhee-Elmore County line, then north on State Highway 51 to Interstate 84, then north on U.S. Highway 20 to the Anderson Ranch Dam Road (Forest Service Road 134), then up the center of Anderson Ranch Reservoir to the confluence of Fall Creek, then up Forest Service Road 129 to its junctions with Forest Service Road 156, then southeast on Forest Service Road 156 to Rocky Bar, then northeast on Forest Service Road 126 to James Creek Summit, then east along the watershed divide between the Middle and South Forks of the Boise River to the intersection with the Elmore-Camas County line. Pursuant to Section 36-105(3), Idaho Code, the Commission now sets the seasons, bag limits, and possession limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors.~~ (4-6-05)

603. BOBWHITE QUAIL AND CALIFORNIA QUAIL SEASONS, BAG AND POSSESSION LIMITS.

01. Area 1. Area 1 includes Bannock, Bear Lake, Bingham, Bonneville, Butte, Caribou, Clark, Custer, Franklin, Fremont, Jefferson, Lemhi, Madison, Oneida, Power, and Teton Counties. Season for quail in Area 1 is CLOSED. (5-3-03)

02. Area 2. Area 2 includes Ada, Adams, Benewah, Blaine, Boise, Bonner, Boundary, Camas, Canyon, Cassia, Clearwater, Gem, Gooding, Idaho, Kootenai, Latah, Lewis, Nez Perce, Payette, Shoshone, Valley, Jerome, Lincoln, Minidoka, Twin Falls, Elmore, Washington, and Owyhee Counties west of the following boundary: beginning at the Idaho-Nevada border and the Jarbidge River, then north along the Jarbidge River to its confluence with the Bruneau River, then north along the Bruneau River to Bruneau, then north on State Highway 51 to the Owyhee-Elmore county line. Also included, is that portion of Elmore County west of the following boundary: beginning at State Highway 51 and the Owyhee-Elmore County line, then north on State Highway 51 to Interstate 84, then north on U.S. Highway 20 to the Anderson Ranch Dam Road (Forest Service Road 134), then up the center of Anderson Ranch Reservoir to the

HOUSE RESOURCE & CONSERVATION COMMITTEE

IDAHO FISH AND GAME COMMISSION Rules Governing the Taking of Game Birds

Docket No. 13-0109-0701
PENDING RULE

~~confluence of Fall Creek, then up Forest Service Road 129 to its junctions with Forest Service Road 156, then southeast on Forest Service Road 156 to Rocky Bar, then northeast on Forest Service Road 126 to James Creek Summit, then east along the watershed divide between the Middle and South Forks of the Boise River to the intersection with the Elmore-Camas County line.~~ Pursuant to Section 36-105(3), Idaho Code, the Commission now sets the seasons, bag limits, and possession limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (4-6-05)()

~~03. Area 3. Area 3 includes Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, Twin Falls counties, and also included is that portion of Owyhee County east of the following boundary: beginning at the Idaho-Nevada border and the Jarbidge River, then north along the Jarbidge River to its confluence with the Bruneau River, then north along the Bruneau River to Bruneau, then north on State Highway 51 to the Owyhee-Elmore county line. Also included, is that portion of Elmore County east of the following boundary: beginning at State Highway 51 and the Owyhee-Elmore County line, then north on State Highway 51 to Interstate 84, then north on U.S. Highway 20 to the Anderson Ranch Dam Road (Forest Service Road 134), then up the center of Anderson Ranch Reservoir to the confluence of Fall Creek, then up Forest Service Road 129 to its junctions with Forest Service Road 156, then southeast on Forest Service Road 156 to Rocky Bar, then northeast on Forest Service Road 126 to James Creek Summit, then east along the watershed divide between the Middle and South Forks of the Boise River to the intersection with the Elmore-Camas County line.~~ Pursuant to Section 36-105(3), Idaho Code, the Commission now sets the seasons, bag limits, and possession limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (4-6-05)

HOUSE RESOURCE & CONSERVATION COMMITTEE

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.12 - RULES GOVERNING COMMERCIAL FISHING IN THE STATE OF IDAHO

DOCKET NO. 13-0112-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104(b) and 36-1101, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

Amend the commercial species list to add Lake whitefish, delete several species, and correct the names of several species. Allow for the use of gill nets and define gill net requirements.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 296 through 299.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Fred Partridge (208) 287-2773.

DATED this 13th day of November, 2007.

W. Dallas Burkhalter
Deputy Attorney General
Natural Resources Division/Fish and Game
600 S. Walnut
P.O. Box 25
Boise, Idaho 83707

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION
Rules Governing Commercial Fishing

Docket No. 13-0112-0701
PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is May 21, 2007.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 36-104(b) and 36-804, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Amend the commercial species list to add Lake whitefish, delete several species, and correct the names of several species. Allow for the use of gill nets and define gill net requirements.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: The temporary rule confers a benefit to commercial fisherman.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the lack of an identifiable representative for commercial fisherman.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Fred Partridge (208) 287-2773.

Anyone may submit written comments regarding the proposed rulemaking. All written

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION Rules Governing Commercial Fishing

Docket No. 13-0112-0701
PENDING RULE

comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 21st day of August, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

010. DEFINITIONS.

01. Commercial Fishing. Fishing for, taking, or transporting fish or crustacea for the purpose of selling, bartering, exchanging, offering or exposing for sale. (7-1-93)

02. Commercial Fish Species. Except as permitted by the Director of the Department of Fish and Game under Subsection 100.03 of this rule, only the following fish species may be taken for commercial purposes: (4-6-05)

- ~~a.~~ ~~Bluehead sucker -- *Catostomus discobolus*.~~ (~~7-1-93~~)
- ~~b~~**a.** Bridgelip sucker -- *Catostomus columbianus*. (7-1-93)
- ~~e~~**b.** Common ~~C~~carp -- *Cyprinus carpio*. (~~7-1-93~~)()
- ~~d~~**c.** Chiselmouth -- ~~A~~*crocheilus alutaceus*. (~~7-1-93~~)()
- ~~e~~**d.** Fathead minnow -- *Pimephales promelas*. (7-1-93)
- ~~f~~**e.** Goldfish -- *Carassius auratus*. (7-1-93)
- f.** Lake trout -- *Salvelinus namaycush*. ()
- g.** Lake whitefish -- *Coregonus clupeaformis*. ()
- ~~g.~~ ~~Lake chub -- *Couesius plumbeus*.~~ (~~7-1-93~~)
- h.** Largescale sucker -- *Catostomus macrochæilus*. (~~7-1-93~~)()
- ~~i.~~ ~~Leatherside chub -- *Gila copei*.~~ (~~7-1-93~~)
- ~~j.~~ ~~Leopard dace -- *Rhinichthys falcatus*.~~ (~~7-1-93~~)
- ~~k~~**i.** Longnose dace -- *Rhinichthys cataractae*. (7-1-93)
- ~~l~~**i.** Mountain sucker -- *Catostomus platyrhynchus*. (7-1-93)

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION Rules Governing Commercial Fishing

Docket No. 13-0112-0701
PENDING RULE

- | | | |
|----------------|--|-------------|
| nk. | Northern squawfish pikeminnow -- <i>Ptychocheilus oregonensis</i> . | (7-1-93)() |
| ol. | Peamouth -- <i>Mylocheilus caurinus</i> . | (7-1-93) |
| pm. | Redside shiner -- <i>Richardsonius balteatus</i> . | (7-1-93) |
| qn. | Speckled dace -- <i>Rhinichthys osculus</i> . | (7-1-93) |
| ro. | Tench -- <i>Tinca tinca</i> . | (7-1-93) |
| sp. | Tui chub -- <i>Gila bicolor</i> . | (7-1-93) |
| uq. | Utah chub -- <i>Gila atraria</i> . | (7-1-93) |
| ur. | Utah sucker -- <i>Catostomus ardens</i> . | (7-1-93) |
| v. | Lake trout -- <i>Salvelinus namaycush</i>. | (4-6-05) |

03. Commercial Crustacea Species. Except as permitted by the Director of the Department of Fish and Game under Subsection 100.03, only the Crayfish - species of the genus *Pacifastacus*, may be taken for commercial purposes. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

500. COMMERCIAL GEAR AND METHODS OF TAKE FOR FISH OR CRUSTACEA. Fish or crustacea may be commercially harvested ONLY with the following gear and methods: (7-1-93)

01. With Seine Nets. However, all seine nets must be either: (7-1-93)

a. Under constant attendance by the licensee or someone working under the supervision of the licensee; or (7-1-93)

b. If being used to hold fish, clearly marked with buoys that are at least twelve (12) inches in diameter. (7-1-93)

02. With Crayfish or Minnow Traps, Not Exceeding Three Feet in Any Dimension. However, all crayfish and minnow traps must be lifted and emptied of catch at least once every ninety-six (96) hours except during periods of weather that pose a threat to human life, health or safety. (7-1-93)

03. Experimental Gear. With experimental gear approved by the Director pursuant to Subsection 100.02. (7-1-93)

04. By Hand. For crayfish ONLY, by hand. (7-1-93)

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION Rules Governing Commercial Fishing

Docket No. 13-0112-0701
PENDING RULE

- 05. Trawl Nets.** With trawl nets as approved by the Director. (7-1-93)
- 06. Conventional Rod and Reel Fishing Tackle.** Only methods approved for sportfishing, as described in IDAPA 13.01.11, "Rules Governing Fish," are permitted, except that the holder of a commercial license may use more than two (2) lines while commercially fishing. (4-6-05)
- 07. Gill Nets.** With gill nets, as approved by the Director under such conditions as he may deem appropriate. However: ()
- a.** All gill nets and lines within ten (10) feet of the surface must be clearly marked with a minimum of six (6) inch diameter buoys every fifty (50) feet. ()
- b.** All gill nets must be lifted and emptied of catch at least once every eighteen (18) hours except during periods of weather that pose a threat to human life, health or safety. ()
- c.** If gill net catches include excessive numbers of game fish species, licenses can be revoked, or harvest limited or suspended, as determined by the Director. ()

(BREAK IN CONTINUITY OF SECTIONS)

700. COMMERCIAL FISHING AREAS.

Commercial harvest is allowed only in the following areas: (7-1-93)

- 01. For Seine Nets.** Seine nets with a mesh greater than one and one half (1 1/2") square may be used ONLY in the following waters, except as approved by the Director for other waters on an experimental basis pursuant to Subsection 100.03.b.: (7-1-93)
- a.** Snake River and main stem impoundments from Hells Canyon Dam upstream to the confluence of the North and South Forks. (7-1-93)
- b.** Ashton Reservoir. (7-1-93)
- c.** Palisades Reservoir. (7-1-93)
- d.** Lake Lowell. (7-1-93)
- e.** Black Canyon Reservoir. (7-1-93)
- f.** Blackfoot Reservoir. (7-1-93)
- g.** Mud Lake. (7-1-93)
- h.** Bear River and main stem impoundments from Utah state line upstream to and

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION Rules Governing Commercial Fishing

Docket No. 13-0112-0701
PENDING RULE

including Alexander Reservoir. (7-1-93)

02. Minnow Traps. Minnow traps for commercial fish may be ONLY used in the following areas, except as approved by the Director for other waters on an experimental basis pursuant to Subsection 100.03.b. (7-1-93)

a. Snake River excluding main stem impoundments from Weiser upstream to the confluence of the North and South Forks. (7-1-93)

b. Ashton Reservoir. (7-1-93)

c. Palisades Reservoir. (7-1-93)

d. Black Canyon Reservoir. (7-1-93)

e. Blackfoot Reservoir. (7-1-93)

f. Mud Lake. (7-1-93)

g. Bear River and main stem impoundments from Utah state line upstream to and including Alexander Reservoir. (7-1-93)

03. Crayfish Traps. Crayfish traps for commercial crustacea may be used ONLY in the following areas, except as approved by the Director for other waters on an experimental basis pursuant to Subsection 100.03.b.: (7-1-93)

a. Snake River and main stem impoundments from Hells Canyon Dam upstream to the confluence of the North and South Forks. (7-1-93)

b. Black Canyon Reservoir. (7-1-93)

c. Blackfoot Reservoir. (7-1-93)

d. Mud Lake. (7-1-93)

e. Bear River and main stem impoundments from Utah state line upstream to and including Alexander Reservoir. (7-1-93)

04. Rod and Reel for Lake Trout Only. (4-6-05)

a. Lake Pend Orielle. (4-6-05)

05. Gill Nets. Gill nets for commercial fish may only be used in waters as approved by the Director and where commercial nongame species are likely to exceed eighty percent (80%) of the fish biomass. ()

HOUSE RESOURCE & CONSERVATION COMMITTEE

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.17 - RULES GOVERNING THE USE OF BAIT FOR TAKING BIG GAME ANIMALS

DOCKET NO. 13-0117-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104(b) and 36-1101, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

Clarify the definition of allowable bait to be consistent with the trapping rules.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 300 and 301.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Brad Compton (208) 287-2756.

DATED this 13th day of November, 2007.

W. Dallas Burkhalter
Deputy Attorney General
Natural Resources Division/Fish and Game
600 S. Walnut
P.O. Box 25
Boise, Idaho 83707

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION
Use of Bait for Taking Big Game Animals

Docket No. 13-0117-0701
PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is January 22, 2007.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 36-104(b) and 36-1101, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Clarify the definition of allowable bait to be consistent with the trapping rules.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The temporary rule confers a benefit to outfitters and hunters.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the need to comply with printing schedules for the 2007 hunting seasons.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Brad Compton (208) 287-2756.

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION Use of Bait for Taking Big Game Animals

Docket No. 13-0117-0701
PENDING RULE

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 21st day of August, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

100. USE OF BAIT.

Bait is defined as any substance placed to attract big game animals, except liquid scent for deer and elk. Bait may be used to hunt ONLY black bear and ONLY under the following conditions. (7-9-93)

01. Time. (7-1-93)

a. No bait may be placed for the purpose of attracting or taking black bear prior to the opening of black bear take season EXCEPT in that portion of Unit 12 north of State Highway 12 southwest of the Doe Creek Road (Forest Service Road 566) and northeast of Cabin Creek and Forest Service Road 486, and bait may be placed one (1) week prior to the opening of bear season in Units 17, 19, 20, 20A, 26 and 27. (4-11-06)

b. All bait containers and materials must be removed and all excavations refilled no later than seven (7) days after the close of the spring and fall black bear seasons. (3-20-97)

02. Location. (7-1-93)

a. No bait site may be located within two hundred (200) feet of any water (lake, pond, reservoir, year round free flowing spring and year round free flowing stream), or within two hundred (200) yards from any maintained trail or any road. (3-30-01)

b. No bait site may be located within one-half (1/2) mile of any designated campground or picnic area, administrative site, or dwelling. (7-1-93)

03. Types. (7-1-93)

a. ~~No parts of or whole game animals, game birds, or game fish may be used as bait.~~
No person shall use any part of a domestic or wild origin game bird, game animal, game fish, or protected nongame wildlife for bait or scent. (7-1-93)()

b. The skin must be removed from any mammal parts or carcasses used as bait. (7-1-93)

04. Containers. (7-1-93)

HOUSE RESOURCE & CONSERVATION COMMITTEE

FISH AND GAME COMMISSION
Use of Bait for Taking Big Game Animals

Docket No. 13-0117-0701
PENDING RULE

a. No bait may be contained within paper, plastic, glass, metal, wood or other nonbiodegradable materials, except that a single, metal container with a maximum size of fifty-five (55) gallons may be used if securely attached at the bait site. (7-1-93)

b. No bait may be contained in any excavated hole greater than four (4) feet in diameter. (7-1-93)

05. Establishment of Bait Sites. (7-1-93)

a. Any structures constructed at bait sites using nails, spikes, ropes, screws, or other materials must be removed by the permit holder within seven (7) days of the close of the spring and fall black bear seasons. (3-20-97)

b. All bait sites must be visibly marked at the nearest tree or on the bait container using a tag supplied by the Department. (7-1-93)

HOUSE RESOURCE & CONSERVATION COMMITTEE

IDAPA 20 - DEPARTMENT OF LANDS

20.02.06 - ADMINISTRATION OF IDAHO'S REFORESTATION LAW

DOCKET NO. 20-0206-0701 (CHAPTER REPEAL)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section §§ 58-104(6) and 58-105, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

During the 1995 legislative session, the Legislature enacted Senate Bill 1088, repealing Chapter 2, Title 38, Idaho Code, the "Reforestation Law".

The purpose of this rulemaking is to repeal the Idaho Department of Lands' (IDL) IDAPA 20.02.06 "Administration of Idaho's Reforestation Law", the regulatory framework for the Reforestation Law that was repealed during the 1995 legislative session. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2007, Idaho Administrative Bulletin, Vol. 07-10, page 37. No public comments were received during the public comment period which ended October 24, 2007.

FISCAL IMPACT: There will be no financial impact due to the repeal of this Rule.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Ronald A. Litz, Assistant Director, Forestry & Fire, Telephone number 208-334-0200.

DATED this 15th day of November, 2007.

Ronald A. Litz
Division Administrator, Forestry & Fire
954 W Jefferson
Boise, Idaho 83720-0050
(208)334-0200/ Fax No. (208)334-3698
rlitz@idl.idaho.gov

HOUSE RESOURCE & CONSERVATION COMMITTEE

DEPARTMENT OF LANDS
Administration of Idaho's Reforestation Law

Docket No. 20-0206-0701
PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized by Sections 58-104(6) and 58-105, Idaho Code.

PUBLIC HEARING SCHEDULE: No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency.

Written requests for a hearing must be received by the undersigned on or before October 17, 2007. If no such written request is received, a public hearing will not be held.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

During the 1995 legislative session, the Legislature enacted Senate Bill 1088, repealing Chapter 2, Title 38, Idaho Code, the "Reforestation Law."

The purpose of this rulemaking is to repeal the Idaho Department of Lands (IDL) IDAPA 20.02.06 "Administration of Idaho's Reforestation Law," the regulatory framework for the Reforestation law that was repealed during the 1995 legislative session.

After consideration of public comments, IDL intends to present the final proposal to the State Board of Land Commissioners at their November 15, 2007 meeting for adoption of a pending rule. The repeal is expected to be final and effective upon the conclusion of the 2008 session of the Idaho Legislature.

NEGOTIATED RULEMAKING: Due to the nature of this rulemaking, negotiations were not held.

GENERAL INFORMATION: For more information about IDL's programs and activities, visit IDL's web site at <http://www.idl.idaho.gov>.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this rulemaking, contact the undersigned.

Anyone may submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. IDL will consider all written comments received by the undersigned on or before October 24, 2007.

DATED this 24th day of September, 2007.

IDAPA 20.02.06 IS BEING REPEALED IN ITS ENTIRETY.

HOUSE RESOURCE & CONSERVATION COMMITTEE

IDAPA 20 - DEPARTMENT OF LANDS

20.02.12 - RULES OF THE COMMUNITY AND URBAN FORESTRY TRUST ACCOUNT

DOCKET NO. 20-0212-0701 (CHAPTER REPEAL)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section §§ 58-104(6) and 58-105, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The purpose of this rulemaking is to repeal the Idaho Department of Lands (IDL) IDAPA 20.02.12 “Rules of the Community and Urban Forestry Trust Account” because the statutory authority provides the necessary direction to manage this account.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2007, Idaho Administrative Bulletin, Vol. 07-10, page 38. No public comments were received during the public comment period which ended October 24, 2007.

FISCAL IMPACT: There will be no financial impact due to the repeal of this Rule.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Ronald A. Litz, Assistant Director, Forestry & Fire, Telephone number 208-334-0200.

DATED this 15th day of November, 2007.

Ronald A. Litz
Division Administrator, Forestry & Fire
954 W Jefferson
Boise, Idaho 83720-0050
(208)334-0200/ Fax No. (208)334-3698
rlitz@idl.idaho.gov

HOUSE RESOURCE & CONSERVATION COMMITTEE

DEPARTMENT OF LANDS
Community and Urban Forestry Trust Account

Docket No. 20-0212-0701
PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized by Sections 58-104(6) and 58-105, Idaho Code.

PUBLIC HEARING SCHEDULE: No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency.

Written requests for a hearing must be received by the undersigned on or before October 17, 2007. If no such written request is received, a public hearing will not be held.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The purpose of this rulemaking is to repeal the Idaho Department of Lands (IDL) IDAPA 20.02.12, "Rules of the Community and Urban Forestry Trust Account," because the statutory authority contained in Section 38-136, Idaho Code, provides the necessary direction to manage this account.

After consideration of public comments, IDL intends to present the final proposal to the State Board of Land Commissioners at their November 15, 2007 meeting for adoption of a pending rule. The repeal is expected to be final and effective upon the conclusion of the 2008 session of the Idaho Legislature.

NEGOTIATED RULEMAKING: Due to the nature of this rulemaking, negotiations were not held.

GENERAL INFORMATION: For more information about IDL's programs and activities, visit IDL's web site at <http://www.idl.idaho.gov>.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this rulemaking, contact the undersigned.

Anyone may submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. IDL will consider all written comments received by the undersigned on or before October 24, 2007.

DATED this 24th day of September, 2007.

IDAPA 20.02.12 IS BEING REPEALED IN ITS ENTIRETY.

HOUSE RESOURCE & CONSERVATION COMMITTEE

IDAPA 26 - DEPARTMENT OF PARKS AND RECREATION

26.01.20 - RULES GOVERNING THE ADMINISTRATION OF PARK AND RECREATION AREAS AND FACILITIES

DOCKET NO. 26-0120-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 67-4249, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 2 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 184 and 185.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dean Sangrey, 208-514-2260, dsangrey@idpr.idaho.gov.

DATED this 26th day of November, 2007.

Dean Sangrey
Division Administrator, Operations
Idaho Department of Parks and Recreation
5657 Warm Springs Ave.
Boise, ID 83716
PO Box 83720
Boise, ID 83720-0065
Phone: 208-334-4199
FAX 208-334-3741

HOUSE RESOURCE & CONSERVATION COMMITTEE

DEPARTMENT OF PARKS AND RECREATION

Administration of Park and Recreation Areas and Facilities

Docket No. 26-0120-0701

PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 67-4249, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a non-technical explanation of the substance and purpose of the proposed rulemaking:

This proposed rule addresses several issues pertaining to the operation of state parks and protection of the natural resources of the state. An addition to the definition of the capacity of a campsite is recommended to provide that a family unit can include one vehicle or RV, or two motorcycles, and up to two tents. An increasing number of park visitors come to our facilities to pursue non-traditional recreational activities, such as model airplane operations, geo-caching, gold panning, and metal detecting, etc. We need to establish appropriate guidance for park staff so they can effectively manage these activities for the benefit of the visitor and the natural resources of the park. With regard to protection of our historical, cultural and natural resources, we are experiencing an increasing number of requests to spread human ashes on lands owned by the Parks Department. This rule change will provide the necessary guidance for staff to appropriately respond to requests, and will also establish acceptable parameters for approving this activity.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because it was determined there was insufficient time from the formal approval of the proposed rules by the Idaho Park and Recreation Board. Public meetings will be scheduled prior to the upcoming legislative session if requested.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Dean Sangrey, 208-514-2260, dsangrey@idpr.idaho.gov.

HOUSE RESOURCE & CONSERVATION COMMITTEE

DEPARTMENT OF PARKS AND RECREATION

Administration of Park and Recreation Areas and Facilities

Docket No. 26-0120-0701

PENDING RULE

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 28th day of August, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

010. DEFINITIONS.

As used in this chapter: (1-1-94)

01. ADA Campsites and Facilities. (3-30-06)

a. ADA Designated Campsites. A reservable ADA campsite may only be reserved and occupied by a party that can provide proof of disability upon arrival. If not reserved after 6:00 p.m. and no other non-ADA designated sites of the same site type are available, the site would be available for one (1) night. (3-30-06)

b. ADA Accessible Facilities. IDPR offers some facilities that provide for ADA accessibility. These facilities are not managed exclusively for ADA use. (3-30-06)

02. Board. The Idaho Park and Recreation Board, a bipartisan, six (6) member Board, appointed by the Governor. (3-13-97)

03. Camping Unit. A camping unit is the combined equipment and people capacity that a site or facility will accommodate. (3-30-06)

a. Campsites. Maximum capacity limits on each campsite are subject to each site's design and size. Unless otherwise specified, the maximum capacity will be one (1) family unit or a party of no more than eight (8) persons, one (1) vehicle or RV or two (2) motorcycles, and up to two (2) tents, provided the combined equipment and people fit within the designated camping area of the site selected. ~~(3-30-06)~~(____)

b. Facilities. Maximum capacity limits on each facility are subject to each facility's design and size. The combined equipment and people occupying a facility must fit within the designated areas of the facility selected. (3-30-06)

(BREAK IN CONTINUITY OF SECTIONS)

401. OPERATIONAL GUIDELINES FOR NON-TRADITIONAL RECREATIONAL ACTIVITIES.

Non-traditional recreational activities such as model airplane/glider operations, geo-caching, gold

HOUSE RESOURCE & CONSERVATION COMMITTEE

DEPARTMENT OF PARKS AND RECREATION

Docket No. 26-0120-0701

Administration of Park and Recreation Areas and Facilities

PENDING RULE

panning and metal detecting may be authorized by the Park Manager or his designee, if such activities do not interfere with traditional uses of the park and are consistent with preservation of park resources. ()

~~4042.~~ -- 449. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

576. PROTECTION OF HISTORICAL, CULTURAL AND NATURAL RESOURCES.

The digging, destruction or removal of historical, cultural or natural resources is prohibited. Collection for scientific and educational purposes will be through written permission of the park manager or designee only. (3-30-06)

01. Spreading of Human Ashes. Human ashes may be spread on lands owned by the Idaho Department of Parks and Recreation. The exact location must be pre-approved by the Park Manager or designee. Ashes may not be spread in the water within a state park. ()

02. Land-Use Restrictions. The spreading of human ashes will not restrict the use of Department land from future development. The Department does not assign or convey any rights or restrictions by allowing the placement of ashes on the land, and there are no restrictions in the ability of the landowner to operate, develop, or otherwise use the land at their sole discretion without any obligation associated with the placement of ashes on the land. ()

HOUSE RESOURCE & CONSERVATION COMMITTEE

IDAPA 26 - DEPARTMENT OF PARKS AND RECREATION

26.01.30 - IDAHO SAFE BOATING RULES

DOCKET NO. 26-0130-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 67-4249, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

As a result of testimony received during public hearings conducted relative to this pending rule, Idaho Safe Boating Rule 525.04 has been changed to reflect these recommendations.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 186 and 187.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Dean Sangrey, 208-514-2260, dsangrey@idpr.idaho.gov.

DATED this 26th day of November, 2007.

Dean Sangrey
Division Administrator, Operations
Idaho Department of Parks and Recreation
5657 Warm Springs Ave., Boise, ID 83716
PO Box 83720, Boise, ID 83720-0065
Phone: 208-334-4199 / FAX 208-334-3741

HOUSE RESOURCE & CONSERVATION COMMITTEE

DEPARTMENT OF PARKS AND RECREATION
Idaho Safe Boating Rules

Docket No. 26-0130-0701
PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 67-4249, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a non-technical explanation of the substance and purpose of the proposed rulemaking:

In accordance with the provisions of the Idaho Safe Boating Act, it is critical that the Department of Parks and Recreation rules be amended to address concerns with regard to negligent operation of a vessel. This proposed amendment addresses unsafe seating while the vessel is underway, and the unsafe operation of a vessel in close proximity to a person in the water.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because it was determined there was insufficient time from the formal approval of the proposed rules by the Idaho Park and Recreation Board. Public meetings will be scheduled prior to the upcoming legislative session if requested.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Dean Sangrey, 208-514-2260, dsangrey@idpr.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 28th day of August, 2007.

HOUSE RESOURCE & CONSERVATION COMMITTEE

DEPARTMENT OF PARKS AND RECREATION
Idaho Safe Boating Rules

Docket No. 26-0130-0701
PENDING RULE

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

525. NEGLIGENT OPERATION.

Negligent operation, as used in Section 67-7017, Idaho Code, shall include, but not be limited to, the following: (1-1-94)

01. Airborne. Becoming airborne or completely leaving the water while crossing the wake of another vessel at an unsafe distance from the vessel creating the wake; or (3-23-98)

02. Weaving. Weaving through congested traffic; or (3-23-98)

03. Speed or Proximity. Operating at such a speed and proximity to another vessel, a person, or property of other persons so as to require the operator to swerve at the last moment to avoid collision; or (~~3-23-98~~)()

04. Unsafe Seating While Underway. Operating a motorboat while a person sits, stands, or kneels on the bow deck, gunwales, transom, or any other areas not designed by the manufacturer for passengers, while the vessel is underway at a speed greater than no wake or five (5) miles per hour, except when immediately necessary for safe and reasonable navigation or operation or for the purpose of engaging in or assisting persons being towed in an otherwise lawful manner; or ()

05. Unsafe Operation - Person in Vicinity of Vessel. Operating a motorboat, or engaging the engine of an idle motorboat, when someone is occupying the water in a manner or in proximity to the vessel's propulsion and/or exhaust so as to create a safety hazard. ()